
DETERMINATION
BY THE
EXECUTORS OF JAMES B. DUKE,
DECEASED,

OF THOSE ENTITLED TO PARTICIPATE IN THE DISTRIBUTION TO BE MADE UNDER ITEM VI. OF THE LAST WILL AND TESTAMENT OF SAID DECEASED AND OF THE AMOUNTS THEY ARE, RESPECTIVELY, ENTITLED TO RECEIVE.

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R. L. Flowers
Donor

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TREASURER ROOM

DETERMINATION BY THE EXECUTORS OF JAMES B. DUKE, DECEASED, OF THOSE ENTITLED TO PARTICIPATE IN THE DISTRIBUTION TO BE MADE UNDER ITEM VI. OF THE LAST WILL AND TESTAMENT OF SAID DECEDENT AND OF THE AMOUNTS THEY ARE, RESPECTIVELY, ENTITLED TO RECEIVE.

We, the undersigned, acting in our capacity of Executors of the estate of James B. Duke, deceased, under and pursuant to the terms of his last will and testament, and especially of Item VI of said will, which reads as follows:

“I give, devise and bequeath, and I direct that my executors, as soon as they reasonably can after my death, shall pay and distribute from and out of my estate the sum of Two Million Dollars as follows, namely: Said sum shall be divided into as many equal portions (a) as there shall be both children and grandchildren living at my death of the brothers and/or sisters of my father and/or of my mother, and (b) as there shall have been grandchildren of the brothers and/or sisters of my father and/or of my mother who died prior to my death leaving a descendant or descendants who may be living at my death. One of such portions shall be paid per capita to each of such children and grandchildren who may be living at my death and one of such portions shall be paid per stirpes to the descendant or descendants living at my death of each such grandchild who may have died prior to my death. Only blood relatives may participate in the payment and distribution of said Two Million Dollars under this Item of my will.

97096

While I wish my executors to use their best endeavors to ascertain all those entitled to participate under this Item, I constitute my executors the sole arbiters of the ways and means of so doing and of all questions arising with respect thereto, especially the relation and identity of any person who may claim under this Item of my will, it being my intention that neither my estate nor any one or more of my executors shall in any way be liable for or with respect to the inclusion or omission of any person in the payment and distribution made under this Item, or the amounts or value of any such payment and distribution to any person."

have ascertained and do hereby determine and declare that those, and only those, persons mentioned and described in the schedule hereto annexed, marked Schedule A, and to be read as a part hereof, come within the requirements of, and are entitled to participate in the distribution to be made under, the terms of said Item, and that such persons have the identity and relationship, and should be paid under said Item the amounts, set forth in said schedule under their names, respectively.

In making such ascertainment and determination the Executors have had to pass upon a great number of claims involving consideration of a great magnitude of data. But they feel that only two of these claims need be discussed here, namely: the Thomas Duke claim; and the Mary (Polly) Duke Vaughan claim. Those whose claims have been, and hereby are, rejected will be found listed in Schedule B annexed as a part hereof.

W. S. T.

The Thomas Duke Claim.

Briefly, this claim is that Taylor Duke and Dicey Jones Duke, his wife, (who were the parents of Washington Duke), had a son born July 2, 1802, in Orange County, N. C., who was their oldest child and named Thomas Duke; that "when a young lad of a boy" this son left home and settled in Georgia, where he married Mary Jones, January 6, 1821, was a fighter and farmer and later a Primitive Baptist preacher, having been pastor of Hopewell Church near Carrollton, Georgia, for some 20 years preceding his death, September 23, 1866.

Miss Elizabeth Duke of Marshall, Texas, (who says she is a great-granddaughter of this Thomas Duke) is the active asserter of the claim, though it has been presented by Messrs. Bibb & Craven, Attorneys, of that place. From her has come practically all of the data submitted to sustain the claim. And she has filed powers of attorney from other alleged descendants of Thomas Duke, by virtue of which she represents some of them and will receive for her services half of their participation if the claim is sustained.

A. Alleged Historical Records.

A part of the data presented by Miss Duke was three typewritten sheets enclosed in her letter of January 5th, 1927, which described them as "a copy of records from the Archives and History of the State of Georgia on early settlers of that State". Two of these sheets purported to give information as to the families and descendants of Taylor and Thomas Duke, such as names, dates of birth, marriage, etc. under the caption: "Record of Archives and History. Early settlers Atalanta"; and among them appeared "Thomas Duke son of Taylor Duke borned year of 1802 married Mary Jones". The other sheet read as follows:

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“History of Georgia Early Settler.

Thomas Duke one of Georgia early settlers, came from Orange County North Carolina when a young lad of a boy; settled near Carrillton Ga.

Thomas Duke was one of Georgia grate fighters widley knowned as the Bully of Georgia which was recognized as the Pony Club fighters in Indian time before the Civil War. After his last fight he refused the Champion Ship, for a worthy call who became a Primitive Baptist Minister was ordained in the Fourty Third year of his life.

Had under his jurisdiction several churches among them were Masadonia, Holly Springs, Sand Hill, & Cross Plains.

About the year of Eighteen Hundred and Fourty Five Anti Missenary spirit culemated, brother Thomas Duke was a strong beliver and became more satisfyed that his calling was to serve as a Minister, was ordained in year of Eighteen Hundred and Thirty Six.

Gives his history borned July, 2nd, Eighteen Hundred 02. in the state of North Carolina, states his father Taylor Duke was a noted man and a real citizen, was Sheriff of Orange County North Carolina also a Captian of the Militia.

Brother Thomas Duke now serving Congress year of Eighteen Hundred and Sixty One.

Witness of History.

W. F. S. POWELL
James Pace
W. M. BRYAM
SAM C. DICKSON.”

Manifestly, the intention of Miss Duke was that these enclosures should be accepted as genuine historical documents coming from this official source, as witness the captions of the papers; and that the quoted article should be considered as dating from 1861, as witness its concluding sentence “Brother Thomas Duke now serving Congress year of Eighteen Hundred and Sixty One”.

And this motive was confirmed by the enclosure in her letter of February 16, 1927, of typewritten sheets giving this very same article and data, with some other data as to the Dukes, having attached the certificate, under seal, of Miss Ruth Blair, State Historian, that they were "an exact copy of the genealogical record of the Duke family on file" in the Department of Archives and History of the State of Georgia.

However, Miss Blair took the precaution to say in her certificate that these alleged records had been "furnished by Miss Elizabeth Duke of Marshall, Texas". And this, in conjunction with other matters, caused the Executors to investigate their authenticity.

They found, as stated by Miss Blair in the affidavit she gave, that Miss Duke had come in around Christmas 1926 seeking information as to Thomas Duke; that she had rendered Miss Duke what assistance she could, showing her the two cards in the files on this subject, and prepared under her supervision, one having on it "Duke, Thomas, H. R. Carroll Co. 1861-62-63 Ex." and the other having on it "Duke, Thomas, Const. Conv. 1798 Ogelthorpe Co."; that thereafter she received a letter from Miss Duke dated January 3, 1927 (only two days before she sent the typewritten sheets to the Executors as "a copy of records from the Department of Archives and History") enclosing these alleged records; that a little later she received a letter from someone else in Texas (whose name she has forgotten and the letter has been lost) "asking for a certified copy of record and I certified a copy of the record filed by Miss Elizabeth Duke and sent it on".

Miss Blair further states that Miss Duke when there had given her at her request some information as to Thomas Duke of which she made a memorandum; that she found the information in the papers filed by Miss Duke did not agree with this memorandum and so wrote

Miss Duke, to which Miss Duke replied under date of January 14, 1927, saying she must have misunderstood and concluding

“Now I am sending in my claim in the James B. Duke estate. Which I feal sure you may be called upon I have only furnished them with my emidately family records which you hold who are Taylor Duke and Thomas Duke which you can give out as, authentic and documentary proof which show by whom witnessed said information furnished to you.”

Clearly, therefore, these sheets seem mere compilations of Miss Duke in this deceptive form and have no historical value, nor any other value save to the extent otherwise shown that the statements in them are based on actual fact. We are therefore wholly remitted to the other data submitted in substantiation of the alleged claim.

B. The Cobb Book.

Miss Duke in June 1927 submitted as proof of her claim a copy, obtained from the Georgia State Library, of a book by Private Joe Cobb entitled “Carroll County and Her People”, and published in 1906, page 35 of which, as submitted by her, read:

“father of Hon. W. C. Adamson, the able Congressman from the fourth Georgia district, Reeves, Sims, Johnsons, Fletchers, Roberds, Lovvorns; Dr. H. M. Williams and his brother, Prof. Williams, Barnes and Stephensons, of whom clever W. B. (big Bill) is a descendant; and many more old and new settlers, all of whom it is impossible to mention who were and are honorable, moral and law abiding citizens. There are twelve stores and business houses, a bank, good hotel, Masonic Lodge, three churches, no bar rooms and no blind tigers. It is and has always been an extremely dry town, a good town in which to educate boys. Justice's Courts are held there for the 1111th District, G. M. Jabez Miles, an old settler and good man was Justice of the

Peace for many years and his decisions were always carefully and honestly made, and in the main, correct and legal.

Bowdon has a splendid weekly newspaper, "The Bowdon Intelligence," which was owned and edited by J. W. Yarbrough; since his death a few years ago it has been carried on by Miss Susie Irwin.

Thomas Duke, one of Georgia's early settlers, came from Orange County, North Carolina, when a young lad of a boy; settled near Carrollton, Ga. Thomas Duke was one of Georgia's great fighters, widely known as the Bully of Georgia, which was recognized as the Poney Club fighters in Indian time before the Civil war. After his last fight he refused the championship for a worthy call who became a Primitive Baptist Minister. He served under his jurisdiction several churches, among them were Masadonia, Holly Springs, Sand Hill, Cross Plains.

About the year of Eighteen Hundred and Forty-five Anti-Missionary Spirit culminated, Brother Thomas Duke was a strong believer and became more satisfied that his call was to serve as a Minister, year of Eighteen Hundred and Thirty-six, and was ordained, in his Forty-third year of life, year of Eighteen Hundred and Forty-five. Gives his history, born July 2nd, Eighteen Hundred and Two, in State of North Carolina, state of his father, Taylor Duke, a noted man and a real citizen, who was Sheriff of Orange County, North Carolina, also a Captain of the Militia. Brother Thomas Duke, now serving Congress, year of Eighteen Hundred and Sixty-one. Security.

W. F. S. POWELL,
JAMES PACE
W. M. BRYAM,
SAM C. DICKSON."

A comparison at once showed that what this page said of Thomas Duke was but a copy of the article above quoted entitled "History of Georgia early Settler", somewhat improved as to spelling and grammar. And an investigation disclosed even more astonishing things as to its incorporation in this book than the previous attempt we have noted to make of it a historical document.

When Miss Duke was at the Georgia State Library about Christmas 1926 Miss Blair had shown her this book and she had sat near Miss Blair's desk " two or three

hours and read the book". In response to a wire from Miss Duke dated May 7th 1927, Miss Ella May Thornton, also of the Library, had sent her this book and another book entitled "The Hephzibah Baptist Association Centennial 1794-1894" and they were not returned until June 28 or 29, 1927. See affidavits of Miss Blair and Miss Thornton.

Miss Blair says of the Cobb book:

"Shortly before Elizabeth Duke called at my office I had occasion to read the book 'Carroll County and Her People' by Private Joe Cobb, and know that it was in splendid condition at the time it was sent to Miss Elizabeth Duke. I have examined the book on the 6th day of July, 1927, and found that the book is badly damaged in a number of places.

I had been reading said book with the purpose of securing vital dates for the Georgia Civil Service Records of 1793-1927, a compilation to be published by this Department within the next year or so, and I am positive that at that time, neither on page No. 35, nor anywhere in that book was anything given concerning the date or place of birth of Thomas Duke.

That last half of page No. 35 concerning Thomas Duke has been inserted in the book since I showed it to Miss Elizabeth Duke on or about Christmas of 1926, and the time the book was returned to the State Library on June the 28th or 29th, 1927."

Mr. J. J. Thomasson, the printer of the book, was located and gave an affidavit saying that he knew Private Joe Cobb personally and remembered well printing the book for him; that it was printed in September 1906 in his office at Carrollton, Georgia, from individual type set by hand by Paul B. Brown, then and now in his employ, as he had no linotype machine; that he printed one edition of 1000 copies, no changes were made in it between the first and last copy printed and he knows as a fact that no edition of this book was ever printed except the one by him in September 1906.

Mr. Thomasson further said that as printed by him page 35 had on it only 19 printed lines (which he quotes and are the same as the first 19 lines of the page as quoted above) and nothing whatever as to Thomas Duke, the residue of that page being blank.

Mr. Thomasson made a part of his affidavit two copies of the book, which he said was as printed by him and in which page 35 contained only the 19 lines. And he concluded:

"I have been shown a photostatic copy of what is said to be page (35) thirty-five photostaticed from a copy of Cobb's book, 'Carroll County and Her People', and said to have been taken to New York by Miss Elizabeth Duke, of Texas, and exhibited to the Executors of James B. Duke, deceased. This photostatic copy of said page 35 is annexed to my affidavit and identified by my signature at the right hand corner. That page as shown by the photostatic annexed never appeared in the edition of Cobb's said book that I printed. The last half of said photostat was never printed in the book I printed and I never saw it before it was shown to me a day or two ago by one Charles Caldwell.

By examining the bottom half of the photostat page thirty-five, annexed, it is easily seen by one familiar with printing that it was set by a linotype machine and not by hand from individual type.

If it appears in any copy of Joe Cobb's book, 'Carroll County and Her People', it has been inserted since the book was printed at my office.

It is a simple matter for anyone familiar with the art of bookbinding, to take off the cover, insert a newly printed leaf and replace the back on the book. The copies of the book that I printed had the pages of each copy stitched together by harness thread on a harness sewing machine, as may be seen by looking at the exposed thread between the index pages of the paper bound book, which pages are also identified with my signature."

Mr. Paul B. Brown gave an affidavit saying:

"I remember Private Joe Cobb and knew him since I was a child. I remember that I was in charge, for Mr. Thomasson, of printing for Joe Cobb his book, 'Carroll County and Her People'. I was in charge of the type setting and the printing of the book and made up the pages, blocked up the type and made it ready on the press to be printed. It was all set by hand and from individual type. There was no linotype machine in Mr. Thomasson's office or in Carroll County in 1906 when Cobb's book was printed.

I have been shown what purports to be a photostatic copy of page 35 in Cobb's book, 'Carroll County and Her People', the bottom half of that page, having an article about Thomas Duke. The Photostat plainly shows it is printed from linotype, the hair lines showing between the letters discloses the fact that it is not handset type and shows it to be linotype. Have identified photostat with my signature on back.

That bottom half of page 35 of said book was never set up or printed in any of the 1,000 copies of the said book that we printed in 1906 and there was no other edition of that book printed at our printing office. The bottom half of said page 35 was blank in all of said books that we printed."

Mr. H. B. Cobb made affidavit that he is the son of Private Joe Cobb, who is now dead, and helped his father correct the proof of this book; that he knows it was printed by Mr. Thomasson from individual type set by hand by Mr. Brown; that there was only one edition; that he has had in his possession several copies of the book from the time of its delivery by the printer in 1906 and there is nothing whatever on page 35 about Thomas Duke, the said page in his copies being as stated in the affidavit of Mr. Thomasson.

"Deponent further states, that Charles Caldwell, of New York, was in Deponent's office recently, and

showed deponent what was purported to be a photostatic copy of page 35 of the book, 'Carroll County and her People', by Private Joe Cobb, which contained on the bottom half of said page, what purports to be a biography of one Thomas Duke. Deponent says, that in the first place, the language of said biography, is not the language of his said Father, Private Joe Cobb. At the time of being shown the photostatic, it was deponent's recollection, that there was no such article in said book, but in order to prove, or disprove it, deponent immediately took the said Charles Caldwell to his home on Dekalb Ave. in the City of Atlanta, and in deponent's Library, they examined the several copies, all of which showed the bottom half of page 35, to be blank."

Mr. Walker M. Cobb made affidavit that he is 54 and a nephew of Private Joe Cobb; that he assisted in selling the book and

"I have had a copy in my possession ever since this book was printed. I have looked at it July 5, 1927, and find the bottom half of page 35 blank and there is not a thing on that page in my copy of the book about Thomas Duke."

Mrs. Mary Alice Turner makes an affidavit that she has had a copy of this book since it was printed and

"I have carefully examined page 35 of that book. It contains no mention whatever of the name Thomas Duke. The bottom half of page 35 in said book is blank and has always been blank ever since the book was printed".

C. The Hephzibah Book.

Miss Duke in June 1927 also submitted as proof a copy of a book published in 1894 entitled "The Hephzibah Baptist Association Centennial 1794-1894" by W. L. Kilpatrick, D. D. We have already seen that she obtained this book from the Georgia State Library in response to

her wire of May 7, 1927, and returned it on or about June 28 or 29, 1927.

As presented by Miss Duke, this copy had page 33 numbered and partially printed, the page that would be 34 if numbered was blank and unnumbered, the page that would be 35 if numbered was unnumbered and had printed on it only "Period II, 1815-1840", the page that would be 36 if numbered was blank and unnumbered, there then occurred a page which we skip for the moment and then followed a page numbered 37 on which began "Chapter I Missions—Introductory Remarks".

The skipped page was wholly unnumbered and blank on the side facing page 37. On the other side there was printed:

"RESOLVED:—Anti-Missionaries;

Brother Thomas Duke, one among many who resented action of the association favorable to missions, he lived in Sand Hill community 'Primitive Baptist,' but who were known to the world at large as 'Anti-Missionaries.' Some of old members, the Reeds, Uphauers, Coles, Chandlers, Holcombs, Henry Haynes, Robt. Splight, Elder Thomas James, father of several sons, old pioneer preacher, always ready to preach and defend the doctrines of his church in the New Hope association. Over forty years there were many others who went to Anti-Missionaries. Churches were established, Brother Thomas Duke was ordained in the year of eighteen hundred and thirty-six. Churches he served under his jurisdiction were Masadonia, Holly Springs, Sand Hill, Cross Plains. Rev. Thomas Duke came from Orange county, North Carolina, young lad of a boy, and battled his way among both good and bad, was strong believer that every one should be a law-abiding citizen. His father, Taylor Duke of Orange county, North Carolina, was of same type, served as sheriff in Orange county, North Carolina and Captain Militia, Ench Phillips, David Hamrick, Carnes, McGarity, Merrill, and many others, including Janes, who came from North Carolina, were all good and

honest citizens of Little Tallapaosa, river community, were strong against 'Hephzibah Baptist Association'."

It will be observed that this skipped page constituted an extra page in the book or else showed the page numbering at fault, since had it been placed there originally page 37 should have been numbered 39. It was ascertained that neither the index nor table of contents had any mention of Thomas Duke or the other people mentioned on the quoted page. And it was discovered that much of the language of the quoted page was identical with that used in the Cobb book published some 12 years later. Thus in Chapter XX., page 59, the Cobb book says "some of the old members were the Reids, Upshaws, Coles, Chandlers, Holeombs and others", then mentions "Henry Haynes" and "Robt. Speight" and continues "Elder Thomas James, father of several sons, was an old pioneer preacher and was always ready to preach and defend the doctrines of his church." The Cobb book then mentions Enoch Phillips and says: "Some other preachers of that denomination were David Hamrick, Holcomb, Carnes, McGarity, Merrill and perhaps others."

Investigation was made as to the Hephzibah book and the situation was found a replica of that with respect to the Cobb book. A copy of the book was located in the Samuel Colgate Baptist Historical Collection at Hamilton, N. Y., and another obtained from the Americus Book Company; and neither contained the page in question though otherwise identical with the copy presented by Miss Duke. Further, Miss Thornton, of whom we have spoken, after an inspection of the book upon its return to the State Library, said in her affidavit:

"There now appears in said book a page immediately preceding page No. 37 which seems to bear evidence of not having belonged to the book as

originally printed. * * * This page has the appearance of being old or soiled and the blank leaf immediately in front has been cut in two and is fastened with four white seals on one side and three white seals on the other side."

D. The Church Minutes.

Miss Duke in June 1927 also submitted as proof two books containing, in chronological order (from July 29, 1837, to February 27, 1896) the minutes of the meetings of Hopewell Primitive Baptist Church, located near Carrollton, Georgia.

These minutes show a Thomas Duke was pastor of this church practically from 1845 to his death in 1866. A great number of them are signed by him as Moderator. The minutes for May 31, 1845, record the reception of "a petitionary letter from our sister at Countaline by the hand of two members, viz: Dorothy and Jones, requesting this church to send here Deacons to thare meeting on the second in July next to meet with ministers and deacons from other churches for the purpose of examining the qualifications of brother T. Duke to the ministry". Those for December 6, 1845, record that it was "moved and seconded that this church request the church at Countaline to ordain T. Duke to the ministareal office the filowing to have the request to the church at Countaline Pr. Philips Pr. S. Hamrick".

These minutes also contain an obituary of Thomas Duke, prepared and presented by a committee on November 10, 1866, in response to a resolution adopted October 12, 1866, saying he joined the Baptist Church in 1838 at Talapoosy Church, Carroll County, Georgia, commenced "exorcising in the ministry" soon thereafter, was ordained in 1846, had been "sevearly afflicted for a great while" and had died "23rd Sept. A. D. 1866". There is also the obituary of "Mary Duke wife of Elder Thomas Duke" dated July 9, 1870, which says she died "on the third day of January last".

But nowhere in these minutes is there any mention of the parentage of Thomas Duke or of any circumstance as to his birth except in an alleged application by him to be ordained a minister which appears, in pen and ink, on the inside of the front cover page of the oldest book, just preceding the page beginning with the minutes for July 29, 1837, and which reads as follows:

“June the ‘6’ 1846 on Sept the ‘6’ 1846 Church Requested brother Duke application filed Dear brothen and sisters of Church of Christ at Hopewell Church I come before you for the purpose of prensenting my apllication for becoming a Gospel minister of the primitiave assosation: I believe in only one God one time the father the Holy Ghost and that God elected an chosen his people in Christ before foundation of the world that they should be Holy. I am bitterly oposed to Hepizabth Baptist association and feal my duty to go out in the world and defend our primitiave Baptist douments have been my past always ready to fight for my country and fellows and expect to continue in life serving the almighty God. I was born on July ‘2’ 1802 in Orange County North Carolina in Little River cuminity my father Taylor Duke my mother Dicey Jones Duke before me honorable and believed in the up rite of our country to secure repesent of my qualification I refure you to Brother S. Hamrick E Phipple and Brother Jones when have life long frind

Thomas Duke

Pr S Hamrick, C. C. L.”

It will be observed that this application is addressed to Hopewell Church and bears date considerably subsequent to the date of the meeting (December 6, 1845) at which that church had sent by two of its members its request for “the church at Countaline to ordain T. Duke to the ministareal office”.

The records of Countaline Church contain no such application but show that Thomas Duke was ordained there on February 7, 1846, on the request of “Brother

R. S. Hamrick from the Hopewell Church" made January 10, 1846, in accordance with the above directions of Hopewell Church on December 6, 1845. For this we have the affidavit of Joseph F. Jones, who says:

"I am Clerk of County Line Primitive Baptist Church and have been such clerk for about 16 or 17 years, and have in my possession the books and records of the County Line Primitive Baptist Church in Carroll County, Ga.

I have never seen any such letter among the church books or records as that dated, 'June 6, 1846 on Sept. 6, 1846 Church requested Brother Duke application filed' and last line 'Jones whom have life long friend.' 'Thomas Duke' and Pr. S. Hamsick, C. C. L.'. No such letter was ever among the records as far as I know. It was never customary to write such an application, and it does not sound genuine to me as a Primitive Baptist. The church must find the gift in the man, and if a man asked for his ordination, he would never get it.

The Minutes of County Line Church, dated Jan., 10, 1846 on page 52 of the record state:

'6. Miscellaneous Matters. When Brother R. S. Hamrick from the Hopewell Church requested the ordination of Thos. Duke, which was granted and Friday before the second Lord's Day in February next was set for the ordination, and that James Head and Johnson Pait for the Presberty and Clerk write to Cedar Creek for Pait and deacons and Head and Hollard and Lapsetter bear the letter.'

The letter referred to, means the letter from County Line Church to the Presberty.

The County Line Church record for Feb. 7, 1846 shows that Brother Thomas Duke was ordained, and no such letter as dated June 6, 1846 and on Sept. 6, 1846 was ever presented to the Church or the Presberty."

Mr. John T. Eady, Clerk of Hopewell Church for 15 or 20 years dating from 1883, had sent these books to

Miss Duke. She had seen him when at Carrollton, Georgia, shortly before Christmas 1926 in her quest for information as to Thomas Duke and he had promised to look up the church records for her. This he did, going over them twice with Mr. Hollaway, the present clerk, searching for references to Thomas Duke and turning down pages for Miss Duke's notice. His letter of May 20, 1927, enclosing the books to Miss Duke mentions the obituary but not this application. And in his affidavit of July 5, 1927 Mr. Eady says: "I never read the application of Thomas Duke dated June 6, 1846 before it was shown to me a few days ago by Mr. Charles Caldwell".

Mr. Fred W. Hollaway, the present Clerk of Hopewell Church, makes affidavit that

"Last Fall, brother J. T. Eady, asked me if I had all three of the church books and I told him I had them. He asked me if I had noticed anything about Thomas Duke in them. I told him I did not recall anything in particular. He said he would come to my home the next Sunday and we would go over them together. He came to my house the next Sunday and we got out the two old books and went over them. At that time, as I recall it, we were looking to see if Thomas Duke had any middle name. The only way we found his name was Thomas Duke. Sometime this year, about April, or May, he again came to my home and said a lady was looking for information about Thomas Duke and we again got out the two old church books and spent more than an hour in going over them, trying to find out all we could about Thomas Duke's obituary and Mary Duke's obituary and remember some pages being turned down. We did not find anything in either book that gave the name of the father or mother of Thomas Duke, or the date or place of his birth. That was just the kind of information we were looking for. We looked through both books carefully, looking over them page by page. As both books had in them something about Thomas Duke, I gave both of them to Brother

Eady. I wrapped them up to-gether and gave both of them to him at the same time. At that time the Paper book had a stiff paper back, covering it. Its appearance was altogether different from the paper covering now shown to me, which contains the writing on the inside of the first page beginning: 'June the 6, 1846 on, Sept. the 6, 1846 Church requested Brother Duke application filed, etc.' and ends with last line 'Jones, whom have life long friend' and underneath, 'Thomas Duke' and 'Pr. S. Hamrick, C. C. L.'. I never saw until to-day the writing on that page, and to the best of my knowledge that writing was not on that page, nor anywhere else in that book at the time I turned the books over to Brother Eady. To the best of my belief, that writing has been inserted in the book since the book left me. Brother Eady and his wife were at my house when I turned the books over to him. He said that he wanted to send them on to a woman in Texas.

I have looked at that book a number of times for the particular purpose of finding information about Thomas Duke between the two visits of Brother Eady and I am sure that if that inside of the first page about Thomas Duke's application had been in it, while in my possession, I would have seen it. I had my interest aroused by Brother Eady's first visit and from time to time read it to see what more I could find."

Mr. Edward L. Turner, who immediately preceded Mr. Hollaway as Clerk of Hopewell Church, says in his affidavit:

"While Clerk, I had the old church records in my possession and occasionally on rainy days, especially, I would read over the church minutes, but more especially the Minutes of the last 15 or 25 years, but have looked back to see the first minutes which began in 1837.

July 1, 1927 was the first time I ever read what purports to be an application by Thomas Duke for ordination. It is written on the inside of the front cover of the old minute book of the Hopewell Primi-

tive Baptist Church. The application begins, 'June 6, 1846—on Sept. 6, 1846 Church requested Brother Duke application filed.' I have identified a photostat copy of that application by my signature on the back of it. I never saw the original application before July 1, 1927 to the best of my memory, nor the photostat copy until July 1, 1927. I never knew who were the parents of Thomas Duke the Primitive Baptist Preacher, never heard anybody say where he was born or where he came from and never read anything about it until July 1, 1927. I have carefully read that paper said to be the application of Thomas Duke for ordination, and it is entirely contrary to Primitive Baptist methods so far as I have known them all my life. It does not impress me as being a genuine paper."

And Mr. William O. Jennings, who was church clerk for 10 or 12 years immediately preceding Mr. Turner, says:

"While I was clerk, I had the church records in my possession, including the paper back book with first church record of meeting, dated July 29, 1837.

July 1, 1927 is the first time I have ever seen or read the writing on the inside of the front cover beginning at top 'June 6, 1846—on Sept. 6, 1846 Church requested Brother Duke application filed.' Have identified photostat of application with my signature on back. From time to time on rainy days, I have taken down the old church books and read them to find out what the church did way back yonder and I never read that application for ordination by Brother Duke and if that writing had been there on that page while the records were in my possession I would have seen it and read it and it would have made such an impression on my mind that I could not have forgotten it, because it is so contrary to the spirit and practice of the Primitive Baptist Church. It don't sound like Primitive Baptist usage. It is entirely out of place for a man, who is about to be ordained to tell about his father or his mother and the man is taken for what he is and not for who his father or mother were.

If there had been any application ordered filed by the Church, the minutes of the Church on that date would certainly have shown such action was taken and there is no such record in the Church minutes of June 6, 1846 and there was no meeting at all on Sept. 6, 1846. The minutes expressly note there was no conference or meeting on Sept. 5, 1846."

Furthermore, it was found that the records at Tallapoosa Church contained no evidence of such an application but so far as they refer to Thomas Duke corresponded entirely with the records for Hopewell and Countaline. For they show only on July 21, 1838, his joining "by experience", on September 22, 1838, his appointment as delegate to the Association, on December 22, 1838, a letter granted to him, on May 24, 1845, a letter "from the Church at County Line" asking "Ministerial aid in the ordination of Thos. Duke" and on June 21, 1845, Bro. Tippitt appointed to attend this ordination if he wished. See affidavit of Mr. Joseph B. Copeland, the present Clerk of that church, which further says:

"I have read what is said to be an application by Thos. Duke to be ordained as a Primitive Baptist Minister. It is dated June 6, 1846 and on Sept. 6, 1846, and is to the Brethren and sister of the Church of Christ at Hopewell and at bottom is signed Thomas Duke and Pr. S. Hamsick, C. C. L. I have identified a photostatic copy of that application by my signature on the back.

I never heard of any such application ever being made in a Primitive Baptist Church and my mother is a Primitive Baptist 77 years old and I have been familiar with their practices and methods all my life. No such application is among the records of the Tallapoosa Church and such an application would be enough in itself to discredit among Primitive Baptist any man, who would make it.

As Thomas Duke was ordained as a Primitive Baptist Minister, I can not believe he ever made such an application."

Mrs. Susan Ann Hamrick, who was born in 1835, had lived near Carrollton since 1853 and frequently heard Thomas Duke preach, and who is "familiar with the way Primitive Baptists call and ordain ministers", being a Primitive Baptist, her parents also and her father-in-law a Primitive Baptist preacher, says she never in her life heard of an application to be ordained and "if a man should presume to make an application himself for ordination I think he would never be ordained". And the same statement is made by Mr. William M. Spence, who was born 1845 and remembers very well hearing Thomas Duke preach. He says the alleged application "does not sound genuine to me and from what I know of Thomas Duke I don't believe he ever presented such an application".

Mrs. J. T. Eady when seen by Mr. Caldwell said that she had never read the alleged application for ordination until the page was shown to her by Mr. Caldwell. And she gave Mr. Caldwell an affidavit dated July 5th, 1927 in which she said that she had "never read the Thomas Duke application for ordination dated June 6, 1846 until it was shown to me by Mr. Caldwell". Miss Duke has since sent in an affidavit, prepared by her and signed by Mrs. Eady on September 13th, 1927, in which Mrs. Eady says she remembers reading this application during the time when her husband was Clerk of Hopewell Church. But she gives no reason for this change, and her husband does not join in it.

E. Affidavits submitted.

A great many of the affidavits submitted by Miss Duke are mere formal presentation of the claim of the affiant and may be disregarded on the question of the alleged relationship of Thomas and Washington Duke under the circumstances here.

There are a few on a form prepared by Miss Duke in which the affiants set forth Taylor Duke's marriage and

his children, Thomas Duke's coming to Georgia, his marriage, occupation and children and that the affiants had been "taught" by their parents "from childhood up to the time of (their) death that Thomas Duke was (their) grandfather and that Taylor Duke was (their) grate grandfather". Such affidavits are:

(1) That of Mrs. Celia Frances Benefield a daughter, born November 10, 1851, of Cyntha Duke, who was a daughter, born August 9, 1833, of Thomas Duke, who also says:

"I was about grown when my grandfather Thomas Duke died and can remember all of my mother brothers and sister by name given in the above statement. I can remember my grandfather Thomas Duke, brother, John Taylor Duke, visiting my grandfather, in Carrol County Georgia. I saw him as a young man then again years later."

(2) Henry Zebulon Duke, a son, born September 15, 1859, of George Washington Duke, who was a son, born in 1821, of Thomas Duke, and who also says:

"Remembers that his father refured to his Uncles as; Uncle John Taylor, William, Robert, Washington, Kirkland and his Aunt's as aunt Mary, Amelia, Malinda, Rena, and they all lived in Orange Co & Durham North Carolina. I also remember my father telling me that after the Civil War, that his father Thomas Duke lost all track of his familey, in those days had no mail and no way of getting in touch with any one. I recall a statement made in my home by Hardy Duke, who was my first cousin, that he had visited while in New York, James B. Duke, the desceased, and they talked there relationship and stated second cousin that there fathers were first cousin."

(3) Henry M. Duke, a son, born "Nov. 16th, 1966", of Zebulon Pike Duke, who was a son, born in 1835, of Thomas Duke, and who also says:

"Remembers that his father refured to his Uncle John Taylor, William Duke, Washington, Robert, Kirkland and aunts as Amelia, Milinda, Rena, they all lived in Orange Co. N. C. and Durham Co. I recall my father talking after the Civli War that his father Thomas Duke lost everything duering the war and there was no way of getting in touch with his fathers familey. Also remember my father saying that he named some of his children after there uncles. One was named William James, after his uncle William, also remember my father telling that his father named his boys, after his brothers one of my uncles was named John Taylor, he was killed duering the Civli War, another one was named Washington, Thomas Taylor (called Tom T) and named one of his daughters Malindia; Mary Ellizabeth."

The other affidavits filed by Miss Duke are:

(a) Daniel M. Boone who makes affidavit in Texas that he was born in Carroll County, Georgia, July 5, 1851, personally knew Thomas Duke and his children and "that he heard Thomas Duke during his life time speak of his brother, Washington Duke".

(b) Hugh McMullen who makes affidavit in Texas that he was born in Carroll County, Georgia, July 9, 1835, knew Thomas Duke and saw him buried; also knew his children and names them. There is then interlined just above the signature of McMullen the words "Heard Thomas Duke speak of his father, Taylor Duke" in a handwriting which looks like Miss Duke's and is different and in a different ink from the body of the affidavit.

(c) Mrs. J. T. Eady of Carroll County, who is 67 years old and says she knew Thomas Duke and his children, names them and says George Washington Duke lived with her father Samuel C. Dickson. There is then inserted just above the signature the words "and hear Brother Thomas Duke speak of his father Taylor Duke of North Carolina" in same ink and handwriting as the similar insertion in the McMullen affidavit and likewise different from the residue of the affidavit.

Opposed to the above affidavits are the following:

(1) Mrs. J. T. Eady (Frances E. Eady) who says:

"I made an affidavit for Elizabeth Duke on or about the 23rd. day of December 1926; but I never told her I heard Thomas Duke speak of his father, Taylor Duke of North Carolina. I was Born Sept. 2, 1859 and Thomas Duke died in 1866 so I am informed. I never heard him speak of his father or mother or brother or sister. I never heard or knew where he came from.

I never told Miss Elizabeth Duke that Thomas Duke had a son Thomas Taylor Duke or John Taylor Duke. I never heard of any of them named Taylor. She talked a good deal about the name Taylor."

(2) Mr. C. T. Duke makes two affidavits. In the first, dated July 15, 1927, he says his father was William Duke, born in Carroll County, Georgia, in 1822, moved to Mississippi, and in 1876 to Texas and

"That the father of the said William Duke and grandfather of this affiant was Thomas Duke; that the said Thomas Duke was a Primitive Baptist Preacher and was born in the State of North Carolina, not far from Winston-Salem, North Carolina; and that the said Thomas Duke moved from the State of North Carolina to Carroll County in the State of Georgia; that the said Thomas Duke had three brothers, who this affiant has heard his father, the said William Duke, speak of, towit: David Duke, Johnnie Duke, and Russell Duke. That affiant did not personally know Russell Duke and Johnnie but that he did know David Duke personally and knew that David Duke was the brother of Thomas Duke. That the said David Duke lived at Old Panola in Panola County, Mississippi, and was County Tax assessor for a period of 12 years. Affiant knows of his own knowledge that David Duke was the brother of Thomas Duke; that he knew him personally and worked for him

while he lived in the State of Mississippi. That affiant knows that Russell Duke and Johnnie Duke were brothers of said Thomas Duke by what his father had told him and by reason of the fact that his father called them 'Uncle'."

In his second affidavit Mr. C. T. Duke says that Thomas Duke was born about the year 1800 and that

"He arrives at this conclusion by reason of the fact that he knows that in the early part of 1867, he and his father received a letter announcing the death of Thomas Duke; that at the time this affiant and his father received the letter announcing the death of the said Thomas Duke, that affiant and his father were living in the State of Mississippi and in the Mississippi river bottom; that for six weeks prior to the time they received the letter announcing the death of the said Thomas Duke that the county where they were living was flooded with water from overflows of the Mississippi River, and the mails were necessarily slow. The said Thomas Duke either died in the latter part of the year 1866 or in the first part of the year 1867. That affiant knows that at the time of his death he was 66 years of age; that the said Thomas Duke therefore must have been born sometime about the year 1800."

(3) Mrs. Susan Ann Hamrick, who was born April 19, 1835, and had lived in Carroll County since 1853, says she had frequently heard Thomas Duke preach and that she "should judge at time of his death he was at least 75 years old."

(4) Mrs. Mary A. Johnson, living with Mr. Thomas J. Eady near Burwell, P. O. Carrollton, Georgia, says she was born June 15, 1850, and her mother was Elizabeth Duke Bedingfield and a daughter of Thomas Duke; that she knew Thomas Duke and had frequently heard him preach and visited at his home; that she never heard her grandfather speak of any other brother or sister or

his father or mother or what their names were or where he came from; that according to her best judgment Thomas Duke was between 70 and 80 years old when he died.

(5) Mr. William M. Spence was born December 1, 1845, in Morgan County, Georgia, but came to Carroll County when about 2 years old; remembers Thomas Duke very well and describes him as a tall man, muscular, with fair complexion and full of fire as a preacher; that according to his best judgment and recollection Thomas Duke must have been about 70 to 73 years old at the time of his death.

(6) Mr. Hardy Madison Smith was born June 15, 1840, says he knew Thomas Duke very well, had often heard him preach, and remembered that Thomas Duke had stayed at his father's home three days and three nights one time at an Association. He further says:

“From what Thomas Duke told me, I think he was born and raised in Upson County, Ga. He talked to me about old man Fletcher Burson, my wife's father and I have heard Fletcher Burson talk about Thomas Duke. Duke was older than Burson.

When Thomas Duke stayed those three days and nights at my father's house I was about 23 to 25 years old. I think it was after the war closed. My best judgment would be that Thomas Duke was about 70 to 75 years of age when he died.”

(7) Mrs. Eliza Clemantine Puckett says that she was born in Carroll County in the year 1860; that her father was A. Hamilton Duke and his father was Thomas Duke, “a Primitive Baptist Preacher and was born in the State of North Carolina, not far from Winston-Salem, North Carolina, and moved from the State of North Carolina to Carroll County in the State of Georgia”; that she knew her grandfather Thomas Duke during his lifetime,

had seen him many times as a child, and was present at his funeral in Carroll County, Georgia.

(8) The Thomas Duke claim was presented to Mr. B. N. Duke, now 72 years old, the son of Washington Duke, and he said he had never heard any mention of Thomas Duke as a son of Taylor Duke but had always been told and understood that William J. Duke was the oldest son of Taylor Duke.

(9) The Thomas Duke claim has also been presented to Mr. James E. Lyon, now 82 years old, the son-in-law of William J. Duke, who was intimate with the family from boyhood, to Mrs. Sallie H. Garrard, a granddaughter of William J. Duke who lived in his home for some sixteen years prior to 1872, and to Mrs. Lida Angier, daughter of John Taylor Duke who went to Tennessee, and these all say that they never heard of Thomas Duke and had always been told and understood that William J. Duke was the oldest child of Taylor Duke.

(10) The Census Records for 1810 show Taylor Duke to have had then only one male member of his family under 10 and we know that there then existed William J. Duke and that his next male child was not born until after 1810.

(11) And the Thomas Duke claim is contrary to the William J. Duke Bible pages which list all of Taylor Duke's ten children in the order and with the dates of their birth and do not give Thomas Duke as one. This list is set forth and discussed fully when we consider the Vaughan claim and for reasons there stated considered authentic and reliable.

In order to understand some of the above affidavits it should be stated that Winston-Salem is not, and never was, in Orange County, North Carolina, but is located some distance to the West; that Taylor Duke married on or about August 14th 1801 and that he never had any son named David or Russell.

F. Alleged Bible Entries.

According to Miss Elizabeth Duke's statement taken stenographically when she was in New York in June 1927, she has produced entries from two family Bibles, namely:

(1) A Bible she brought with her to New York which she said came from her grandmother's (the Bryce's) side of the family, was sent to her by special delivery by Dr. Henry M. Duke, her father's brother, whose post office address is Winsboro, Texas, and is "a relic which had been taken of my grandfather's books after his death".

(2) A copy made by her mother, Mrs. Margaret Magnolia Duke, of entries "from Thomas Duke Bible and from old records". She says that this Bible was the family Bible of Zebulon Pike Duke, her grandfather, that it was handed her by Mrs. Eliza Russell, of Gilmer, Texas, in June or July 1926, and she took it home and found these sheets in it.

For purposes of comparison we quote as follows in parallel columns the data thus produced so far as it concerns the Taylor Duke family, the copy by Mrs. Margaret Magnolia Duke being that on the left, and the omissions in the one on the right being due to the absence of a portion of the page:

Witness Moses Jones				Taylor Duke and Dicy Duke Family	
Taylor Duke and Dicey Jones					
Married Aug. 14th, 1801					
Orange Co. North Carolina					
Children Borned					
Thomas Duke 1802					
William James Duke 1803	maried	Sarah Roberts		Thomas Duke was Born	
Mary Duke 1805	James	Stagg		year 18-2	
Amelia Duke 1807	James	Riggs		year 18-3	
Rena Duke 1810	James	Clifton			
Kirkland Duke 1813					
Malinda Duke 1815					
John Taylor Duke 1818	Miss	Whitemore			
Washington Duke 1820	Mary	Clifton			
Robert Duke 1822					
Brodie Duke 1825					
In the name of God Amen. I Thomas Duke being				Amen I Thomas Duke being	
sound depositing mind and memory and considering				memory and conserding	
uncertainty of mortal life on this twenty th				Twenty day of Sept.	
day of Sept. Eighteen Hundred and Sixty-Six				Sixty six declare	
declare this stement is made of my Father,				my Father Mother	
Mother Brothers and Sisters				ceruity	
Security James Bryce				James Bryce	
Dr. Henry Jones				Henry Jones	
W. J. Williams				J. Williams	

This contrast makes manifest that, even if genuine, there existed only one Bible record, to which Mrs. Duke, in copying, added information as to the marriage of Taylor Duke and some of his children. For otherwise we have two different sets of Bible entries on the same subject certified for Thomas Duke by the same witnesses on the same day, for which there seems no adequate reason.

Mr. John F. Bryce, the son of the James Bryce whose name appears as one of the witnesses, throws much doubt on the genuineness. He was shown a photostatic copy of the alleged Bible record and made affidavit that the name "James Bryce" appearing there was not the signature of his father. He produced an account book showing what he knew to be the signature of his father, and there has been found the will of James Bryce. Neither the signature to this will nor the name as written in the account book is at all similar to the signature "James Bryce" on the alleged Bible record.

The will of Thomas Duke was executed the very same day that this Bible record is alleged to have been attested, to wit, September 20, 1866, which was only three days before the death of Thomas Duke. And the will has an entirely different set of witnesses to wit: W. F. S. Powell, U. W. Byram and James Pace. Knowing from the obituary that Thomas Duke had been severely afflicted for some while and so probably regarded death as imminent when his will was executed, it seems rather strange that these two documents, so closely akin in their nature, should have had different sets of witnesses, if executed the same day.

And it is hard to understand how Thomas Duke in 1866 had some of the information which these Bible entries give. In her letter to Mr. Mapes of January 17, 1927, Miss Duke says "Thomas Duke ran away from home as a mere lad of a boy and not having heard from

his oldest son for years Taylor Duke therefore made William James Duke his executor". And we know that in those days communication between North Carolina and Georgia was difficult and uncertain. Yet we find these Bible entries giving information as to the birth and marriage of children, all of which occurred while Thomas Duke was in Georgia.

On the other hand we know that Miss Duke anxiously sought and obtained information from which these alleged Bible records, as well as the alleged Historical Records, could have been compiled, just as occurred with respect to the Cobb book, the Hephzibah book and the church records, by simply inserting Thomas Duke as born in 1802.

On June 15, 1926, Miss Duke wrote the Postmaster at Durham, N. C., asking "information on Washington Duke, James Buckannon Duke Father. Where was he borned if you can find out this information will appreciate any you can give and pay you for your trouble. Would like to know his Father name also his brother name". This letter showed she was consulting Government Records and had written the U. S. Ambassador in England. The Postmaster referred her to Mr. James E. Lyon.

On June 18, 1926, Miss Duke wrote Mr. Ben Duke, the brother of James B. Duke, asking information as to his "Father Bros and his Father name", stating that "everything my grandfather (Zebulon Duke) had was destroyed by Sherman & Grant during the war all record and went when his household goods went" so she wished "as complete record as possible of your father Bros & Sister also his Father name if you know it". Mr. Mapes answered enclosing copy of Item VI. of the will.

On July 28, 1926, Miss Duke wrote to Mr. J. E. Lyon, Durham, N. C., to whom she had been referred by the Postmaster, seeking similar information, saying: "I will be glad to pay you for your trouble if you can assist me

in tracing James Buckannon Father George Washington Duke" and that "so far information I have furnish Jimmie Duke a Father of the said Washington Duke and Thomas Duke." This letter was answered by Mrs. Angier, a daughter of John Taylor Duke, one of Washington Duke's brothers. She quoted the list of Taylor Duke's children as shown in the William J. Duke family Bible, giving in each case date of birth, also who each married, except that she stated Malinda was unmarried and that Kirkland and Brodie went to Florida. She also said "Father Taylor Duke died 1850, Mother Dicey Jones Duke died April 22, 1860".

Miss Duke wrote a special delivery letter to the State Historical Commission at Raleigh, N. C., asking it to wire her the information shown by the Taylor Duke marriage bond. And in reply she was advised by wire that the bond was dated August 14, 1801, between Taylor Duke and Dicey Jones, with Moses Jones as security.

On November 2, 1926, Miss Duke wrote Mr. Mapes:

"I have been delayed a little working up my data due to the fact that there (was and is) only book of records of the Duke family and it does not embrace all the branches. I therefore was compelled to search for records which was not in the above mentioned book".

As late as Christmas 1926 Miss Duke was in the State Library at Atlanta and at Carrollton, Georgia, seeking information as to Thomas Duke. And we know there were books accessible to her such as "Genealogy Duke-Shepherd-VanMetre Family" by Samuel Gordon Smyth, published in 1909, and "Notable Southern Families" by Zella Armstrong, published in 1926, which plainly state that Taylor Duke married Dicey Jones, gave some of his descendants and said that he was of Orange County, North Carolina, and there had been Sheriff and Captain in the Militia.

And it was not until her letters in January and February 1927 that Miss Duke sent in any of the alleged Bible and Historical Records.

Conclusion as to Thomas Duke Claim.

Under the circumstances, after a most thorough investigation, review and consideration, the Executors have become convinced that Thomas Duke was not a son of Taylor Duke and so, acting as such Executors, they ascertain, determine and declare that he was not a brother of Washington Duke and that his descendants are not entitled to participate in the distribution to be made under the terms of Item VI. of the Last Will and Testament of James B. Duke, deceased.

The Mary (Polly) Duke Vaughan Claim.

The claim here is that Mary (Polly) Duke Vaughan, wife of James Vaughan, was a daughter of Taylor Duke and sister of Washington Duke, thereby making her descendants participants. Upon it many affidavits have been submitted and a mass of data accumulated, requiring a rather extensive review which can best be done with clarity under subheadings, as follows:

A. Early letters of Mr. C. E. Mapes for the Executors.

When this item of Mr. Duke's will became known so many inquiries began coming in that the Executors found it necessary to put the correspondence and files in the charge of some one. They selected Mr. C. E. Mapes for this purpose and he sought as far as he could to assist those seeking information.

For some little while theretofore Mr. B. N. Duke, the brother of Mr. James B. Duke, had been securing such information as he could about his relatives, and to the information thus gathered Mr. Mapes went. He found there some correspondence between Mr. B. N. Duke and a Miss Edna L. Vaughan stating that Mary (Polly) Duke Vaughan was a sister of Washington Duke, and he so wrote in some of the letters sent out in November and early December, 1925.

These letters were never intended and cannot be construed as any indication of the views of the Executors, much less as an ascertainment and determination by them. They were merely a sincere endeavor by Mr. Mapes to answer inquiries in a frank manner from the best evidence then available, namely, the information that had been gathered by Mr. B. N. Duke, and which we next herein consider.

B. Recognition by B. N. Duke, a brother of J. B. Duke, that Mary (Polly) Duke Vaughan was a daughter of Taylor Duke and a sister of Washington Duke.

Under date of December 2, 1924, Miss Edna L. Vaughan, of Warrensburg, Mo., wrote a letter to Mr. J. B. Duke. There is no record that Mr. J. B. Duke knew her or of her or had ever had any previous correspondence with her, and he made no reply to this letter. But the letter came to the attention of his brother, Mr. B. N. Duke, who at the time was securing information as to his relatives in order to help in some degree those found in financial need. So he answered the letter and a correspondence resulted. This correspondence should be divided into two parts, namely, that prior to December 1925, and the residue.

So far as pertinent here, the statements of Miss Vaughan in the first part of this correspondence are: In the letter to Mr. J. B. Duke that "my father William E. Vaughan was born in the same county that you were. His mother Mary Duke Vaughan was a sister of Washington and William Duke" and that she was delighted "to find in Who's Who in America the Duke Brothers names which instantly called to my mind that Grandmother Vaughan was a sister of Washington Duke"; in a letter of December 27, 1924, to Mr. B. N. Duke that in her father's effects she had found a "tintype of his mother on back of which is written Mary Vaughan, Franklinton, N. C." and "will say in regard to your uncle's daughter who married a Mr. Price and came to Mo. that I do not remember hearing my father speak of them but I do remember hearing my father speak of your uncle as Uncle Billie Duke"; in a letter of February 2, 1925: "I am quite sure my father did not know that his mother had so many brothers and sisters as I never heard him speak of any but Uncle Wash and Uncle Billie Duke".

This for a while led Mr. B. N. Duke to believe that Mary (Polly) Duke Vaughan was a sister of his father Washington Duke, he so expressed himself in the first part of the correspondence, and on the basis of this belief during that period made substantial distributions to various of her descendants. Among the things said by Mr. Duke on this subject in this first part of the correspondence are the following:

“But for the letter you addressed to my brother in December your family would not have been included in this list for the reason that it was not known to us that such a family existed, but the receipt of your letter called to my mind the recollection that when I was a very small boy of having heard my father speak of one of his sisters having married a Vaughan—so your letter immediately brought this to my mind. My father was one of a family of twelve children, 6 males and 6 females, and my mother was also of a family of twelve children, 6 males and 6 females, so you see the outcome of this had produced quite a large army of our kinspeople.” (Letter of January 26, 1925)

“You see what trouble that letter you wrote to my brother on December 2, 1924, has gotten me into. Up to the receipt of this letter we never had the slightest idea of having any kindred by the name of Vaughan, as I believe I wrote you in the beginning, and now this letter of yours started an investigation as to this branch of the family and the statement I sent you of the result of our investigation disclosed a most wonderfully prolific family. While there is not a single first cousin of my Aunt Mary Duke Vaughan living, I have discovered through my investigation that I have living 18 second cousins and that these second cousins have an offspring of 77 children living; of course these are my third cousins. This is the record in point of numbers for any of my aunts, or uncles on either my mother’s or father’s side and I do not mind telling you that that letter of

yours first referred to has cost me an outlay of \$75,000. * * * I have found that most of these kinsmen live in only 15 or 20 miles of my old home town, Durham, N. C., and you must admit that they are a brave, independent type of people, that none of them ever made known their relationship to me (if they knew it), or asked me for favors of any kind. * * * If I mistake not, in one of your letters you asked me to give you the names of my father's brothers and sisters. My uncles were William J. Duke, my father's oldest brother, Brodie Duke, Kirkland Duke, John T. Duke and Robert Duke, and I only know of four aunts, Mrs. Stagg, Mrs. Riggs, Malinda who never married, and your grandmother, Mary Duke Vaughan. I know nothing about the names or the whereabouts of the other sisters; they must have died before I was old enough to remember, and there is no one that I know of that I can obtain information from as to them. * * * P. S. I intended to say that my uncles, Brodie Duke and Kirkland Duke, neither one of whom I had ever seen, went to Florida and established a large mercantile business and were quite successful, but both of them died rather young in Palatka, Fla. Neither were married, as far as I know. When in Florida some years ago, I stopped off with my father in Palatka to visit their graves, and arranged to have them permanently cared for." (Letter of March 26, 1925)

Early in December, 1925, investigations which had been set on foot to ascertain correctly the brothers and sisters of Washington Duke in order to properly administer the will of Mr. James B. Duke brought to light some pages from the family Bible of William J. Duke which purported to give a list of the children of Taylor Duke with the dates of their birth. These pages were found loose in a Bible belonging to James E. Lyon, the son-in-law of William J. Duke. They were brought to the attention of Mrs. Lida Angier and by her to the attention of Mr. B. N. Duke (her letter to him of December

4, 1925). And they caused Mr. Duke to believe that he had made an error in his correspondence with Miss Edna L. Vaughan because they did not include Mary (Polly) Duke Vaughan as one of Taylor Duke's children. A Mary Duke was named, but it was established, indeed was a matter of Mr. Duke's own knowledge, that this Mary Duke had married James Stagg.

Accordingly, there occurred the second part of the correspondence in which Mr. Duke brought the matter to the attention of Miss Edna L. Vaughan in order to correct the error he deemed made. This was by letter to her of December 18, 1925, the pertinent portions of which are as follows:

“I received last week a letter from my cousin Lida Duke Angier of Durham, N. C., enclosing a transcript from an old family Bible which belonged to my Uncle W. J. Duke, in which was recorded the names of my grandparents and their children, and which I am very sorry to tell you revealed the fact that your Grandmother Vaughan was not a sister of my father.

“Mrs. Angier has been helping Mr. Sands look up our Duke kin in the vicinity of Durham, N. C. I had not told Mrs. Angier of my correspondence with you, so she was ignorant of what had taken place between the Vaughans, Whitfields, Kearneys, etc., and myself, when she wrote this letter

* * *

“Mrs. Angier is a daughter of my Uncle John T. Duke, of Tennessee—married my wife's brother and has resided in Durham ever since her marriage. The Mr. Lyon she refers to married Uncle W. J. Duke's youngest daughter, Virginia Frances Duke; she died about three years ago.

“I confess that at the time I commenced this correspondence with you in reference to the Vaughan family, it had not occurred to me that Polly was a nickname for Mary, and that Mary Duke Stagg and Polly Stagg were one and the same person. My father's sister Mary married

James Stagg; she was always known to me as Polly; I visited her frequently. I always called her Aunt Polly. She died in 1875.

“Your grandmother was probably a daughter of one of my Grandfather Duke’s brothers, for he had two brothers. So if this is a correct assumption, the Mary Frances Duke was my father’s cousin. * * *

“The distribution I made to a number of this family was in every case entirely voluntary on my part, and the fact that a mistake has been made in that particular, does not disturb me a moment. Of course if I had known of the existence of this old family Bible at the time I received your letter, this mistake as to kinship would not have occurred.”

Later, in a letter of February 15, 1926, to Mr. Sands, commenting on a letter of a Mr. Whitfield, one of the descendants of Mary (Polly) Duke Vaughan, Mr. Duke says:

“From the time I was old enough to remember I never heard of a Vaughan, Whitfield or Kearney coming to visit my father or my Aunt Malinda up to the time of their deaths. My father frequently talked of his brothers and sisters and their children to me, my sister and brothers, but never once did I hear him refer to any of these people being related to him. Mr. Whitfield says in his letter that Mrs. Vaughan (Mary Duke Vaughan) died in 1879. I was then 24 years old and never heard of the existence of such a woman. Strange, if she had been a sister of my father, that I had never heard him speak of her and surely if she had been his sister he would have been human enough to have spoken of her to us children when she died and taken other notice of the event, for he was a considerate and unusually kind hearted man. Furthermore, several years before he died he made quite a liberal distribution of money to his nieces and nephews in and around Durham and even looked up those residing in Tennessee and Missouri (the Prices) and included them either in his

will or sent them generous checks while he was yet living. I know of this of my own personal knowledge for I attended to all his business affairs. But, in making these distributions, not one of James G. Vaughan's descendants got one dollar nor did I ever hear such name spoken of by my father in connection with any relationship. If they were his sister's children why were they completely ignored by my father? Their place of residence was very near to my father's home and it is strange, if they were his sister's children, that I never heard him speak of such sister or her children from the time of my being old enough to remember, say from 1861, to the time of his death in 1905."

And still later Mr. Duke wrote a letter to the Executors, to which he made oath, stating for their guidance under the provisions of Item VI. of Mr. Duke's will that the children of Taylor Duke were as given in the William J. Duke Bible. So were he the executor of James B. Duke, making this distribution, he would undoubtedly follow this Bible record and not include the descendants of Mary (Polly) Duke Vaughan.

C. The endorsement on the Andrew Jones certificate.

This document is a small piece of paper having, in pen and ink, on one side the certificate:

“State of North Carolina
Orange County
This is to certify that I Andrew
Jones on the 24 day of Oct.
1835 solemnize the rite of Matrimony
between James Vaughn and Polly
Duke and joined them together
as man and wife
Andrew Jones”

and on the other side the endorsement:

“James Vaughn
Son of
Sampson Vaughn
Polly Duke
Daughter of
Talor Duke
Andrew Jones”.

In contrast we have another document, these William J. Duke Bible pages, which give Taylor Duke's children as follows:

“William J. Duke, borned July 18th, 1803.
Mary Duke, borned August 22nd, 1805.
Reany Duke, borned December 20th, 1807.
Amelia Duke, borned March 8th, 1809.
Kirkland R. Duke, borned June 6th, 1812.
Malinda Duke, borned March 13th, 1815.
John T. Duke, borned March 22nd, 1818.
Washington Duke, borned December 18th, 1820.
Doctor B. Duke, borned September 27th, 1823.
Robert Duke, borned April 29th, 1825.”

Taking these documents at face value, there is a mistake in one, and the question is, which. In an effort to obtain a correct answer a most exhaustive investigation has been made by the Executors as to each, with the following result.

With respect to the certificate, the endorsement thereon of the name of the parents is not an official record. In 1835 there existed no law requiring or authorizing it. Such a statement was not even customary at that time. No other marriage certificate issued prior to 1850 (when printed forms came into use) has been found in these files which indicates in any manner the parent of the bride or groom.

No other marriage certificate by Andrew Jones has been found. And nothing whatever can be learned as to

Andrew Jones. In several of the letters of Judge Graham, counsel for the Vaughan claimants, he is referred to as a minister, but no data is given for this statement. Diligent search in the records reveals nothing. He does not appear in the U. S. Census of 1830 or 1840 for either Orange or Granville County. Mr. J. Clyde Ray, a lawyer of Hillsboro, N. C., makes affidavit that he personally searched carefully through a book he found in the Clerk's office there, containing the returns of marriages by ministers and justices of the peace, looking for that of Mary (Polly) Duke to James Vaughan on or about October 24, 1835, and did not find anything at all about it. Inquiry among the oldest inhabitants has brought the uniform answer that they do not remember any minister or Justice of the Peace or anybody else by the name of Andrew Jones.

The certificate was first brought to the attention of the Executors by Mr. Robert H. Whitfield, of Creedmore, N. C., one of the Vaughan claimants, by his letters of June 4th and 7th, 1926, which enclosed a copy, certified by Mr. R. B. House, Secretary of the North Carolina Historical Commission. It was found in the Franklin County files some while after the marriage bond of James Vaughan and Polly Duke had been located in the Orange County files, but the date of the finding is uncertain, though it was probably late in the Spring. On February 11, 1926, Mr. Sands wrote Mr. Haywood, Clerk of the Supreme Court, Raleigh, asking him for information from the records as to the ancestors of Mary Duke Vaughan, to which Mr. Haywood replied on February 19, 1926, saying he had been "bombardeed with requests similar to yours from all points of the compass"; and that "the marriage bond of the Vaughan-Duke marriage is filed in the collection of the North Carolina Historical Commission, but it does not give the names of the parents of the bride". On March 17, 1926, Mr. Oscar D. Olson, a lawyer of Chicago, wrote the Historical Commission for

Mr. E. L. Vaughan, seeking the same information, and Mr. R. B. House, Secretary of the Historical Commission, replied on March 20, 1926, saying: "I send you herewith a copy of a marriage bond concerning the marriage of James Vaughan and Polly Duke. This is the only record pertaining to this marriage we have." And Mr. H. L. Swain, a lawyer of Raleigh, N. C., who investigated for Mr. E. L. Vaughan, told Mr. Caldwell that he and his stenographer, Miss Nellie Patrick, searched and inquired as late as April 22, 1926, without finding the certificate. Indeed, Mr. Vaughan seems to have learned of the certificate only in the Fall—see his statements of June 22nd and October 18th, 1926, and letter of October 6th, 1926.

As to the actual finding of the certificate we have from Mrs. Susan T. West, Archival Clerk of the Historical Commission, her statement dated August 6, 1927, and her letter to Mr. Caldwell dated August 11, 1927. She says that she is not positive as to the date but that after a good many persons, including among others Mr. Robert H. Whitfield, Mr. G. W. Whitfield, Mr. W. F. Kearney, Mr. H. L. Swain and Miss Nellie Patrick, stenographer for Mr. Swain, had searched the marriage bonds of Franklin and Orange Counties, in the course of which these files were together on the same table, she was straightening the files up and ran across the marriage bond of James Stagg and Polly Duke and this marriage certificate together in the Franklin County files though both belonged in and were returned by her to the Orange County files. And she gives it as her opinion that both the certificate and the endorsement are apparently written by the same hand and at the same time, and that they appear to be "true and genuine" and as of the time they purport to have been made.

With respect to the Bible pages, we have an affidavit from Mr. James E. Lyon, who is a son-in-law of William J. Duke, the eldest son of Taylor Duke. He says:

"Mr. William J. Duke, my father-in-law, died in 1883. His personal effects were sold and I purchased at the sale of his personal effects the family Bible of Mr. William J. Duke, my wife being his youngest daughter. I distinctly remember the old family Bible of Mr. William J. Duke. It was a large, family Bible probably 12 or 14 inches long by 8 or 10 inches wide and about 4 or 5 inches thick. My recollection is that it had a leather-covered back. I remember that that old Bible of William J. Duke's was rather much worn and the backs all broken. My impression is that William J. Duke had gotten this Bible from his father, Taylor Duke, but I am not sure about this. I remember that the Bible had some places in the center, or about the middle, where births, marriages and deaths were recorded, and I have seen such entries in this Bible of William J. Duke.

"The sale of William J. Duke's personal effects was held at his home place and it was in that same home that I was then living, and when I bought the Bible we simply took it and kept it in our home. That Bible was not out of the home of William J. Duke except when we moved.

"My wife, Virginia Frances Duke, the youngest daughter of William J. Duke, removed the old leaves on which were recorded the births, marriages and deaths from the Bible of her father, William J. Duke, and put them into a new large Bible which I had purchased. They were simply put loose into the new Bible. At the time my wife took these old leaves out of the old Bible they had then become old and worn and torn, and we put them in the new Bible in the same condition as they were when taken from the old Bible. I have seen them both in the old Bible and in the new Bible".

The affidavit then quotes from these pages the list of Taylor Duke's children as above given, and as to them says:

"I have always understood the above was the record of the births of the children of Taylor and

Dicey Jones Duke, made by my father-in-law, William J. Duke. I have frequently seen my father-in-law, William J. Duke, write and am familiar with his handwriting, and to the best of my knowledge and judgment, the handwriting of the names above mentioned is the handwriting of William J. Duke, my father-in-law.

"All the entries on both sides of this sheet were in the old Bible at the time the Bible was purchased by me, and that Bible had been for a number of years in the home of my father-in-law, William J. Duke, prior to the time I purchased it."

The statements of Mr. Lyon are entirely supported by the affidavit of Mrs. Sallie H. Garrard (dated August 31, 1927) a granddaughter of William J. Duke who lived some 16 years in his home, and by the affidavit of Mrs. Rosa Lyon Belvin, the daughter, and Mr. William F. Lyon, the son, of Mr. James E. Lyon.

Thus stand these opposing documents and their evidentiary value must be appraised and a decision reached. In doing this the Executors feel that the following considerations are pertinent:

(1) While the Executors in reaching such decision are considering all data without regard to legal rules of evidence, it should be noted that these statements of the endorsement on the certificate, being of something not required by law to be recorded, would not be admissible evidence of the parentage of Mrs. Vaughan. Thus, in 1 Greenleaf on Evidence, Sec. 493, it is said:

"It must be remembered that official registers are not in general evidence of any fact not required to be recorded in them, and which did not occur in the presence of the registering officer. *Thus, a parish register is evidence only of the time of a marriage and of its celebration de facto, for these are the only facts necessarily within the knowledge of the party making the entry.*"

This statement of the law has been approved and exemplified in a number of pertinent cases. See *Blackburn v. Crawford*, 3 Wall. (U. S.) 175; *Hegler v. Faulkner*, 153 U. S. 109, 111; *Sitler v. Gehr*, 105 Pa. St. 577; *Schaffer v. Korstovnikow*, 88 N. J. Eq. 523; *Vail v. Smith*, 6 R. I. 417, and *Budlong v. Budlong*, (R. I.) 136 Atl. 308.

Thus, in *Blackburn v. Crawford* the Court, applying this rule, held a baptismal entry reading "1837, July 30 George Thomas, son of Thomas Crawford and Elizabeth Taylor his wife born 7 September 1836; sponsors—John and Sarah Evans" inadmissible to prove anything but "the baptism of the child", saying "we think this proposition too clear to require discussion".

In *Sitler v. Gehr* the Court held that a church register of deaths, required by statute to be kept, was inadmissible to prove the parentage of the decedent. It said:

"This burial list was competent to show the death and burial of these ladies, but what the pastor put down in the book as to their parentage, and the time and place of their birth, was incompetent, for the plain reason that it was no part of his duty to make such entries. Such registers are not, in general, evidence of any fact not required to be recorded in them, and which did not occur in the presence of the registering officer."

In *Vail v. Smith* an entry in a town register reading "Ebenezer Smith and Miss Martha Townsend were married September 4, A. D. 1800 by Rev. Samuel Watson. Louise, their daughter, was born Saturday August 23, 1800" was inadmissible to prove the time of the marriage because it was not a record which the law required to be kept. It said:

"In no other light than as a private memorandum, can we regard the written declaration of the town-clerk of Barrington, here produced, as to the time of the marriage of Ebenezer Smith. Since he

does not profess to record what alone by law he was authorized to record, what he has written must be regarded as his personal, and not his official act; and is not admissible in evidence without accompanying proof to connect it with information furnished by the family.”

So in *Budlong v. Budlong* the register of an asylum was produced by the matron from its archives and contained entries from 1848 to 1896 in chronological order purporting to give the names and ages and other data as to the inmates, but the Court held the book inadmissible as evidence because

“Accepting the book as one kept at the poor farm by some employee for the benefit of the town authorities and produced from proper custody and bearing on its face evidence of its ancient character and authenticity, the circumstances shown give no assurance of its reliability to prove the date of birth of Mary E. Miller as the daughter of Lucinda Millard.”

The application to the certificate is plain. The endorsement was of something not required to be recorded, that did not occur in the presence of Andrew Jones and that may not have been at all within his own knowledge. As aptly put by one case (*Schaffer v. Korstovnikow*, 88 N. J. Eq. 523), it is a “gratuitous identification * * * which must be disregarded as purely hearsay”.

(2) An acceptance of the Andrew Jones statement as correct would attribute to Taylor Duke two daughters living at the same time each of whom was named Mary and known as Polly and married as Polly.

That Mrs. Stagg was named Mary appears from the Bible record, the Census Records of her husband for 1850, 1860 and 1870, her conveyance with her husband to Francis A. Stagg December 17th 1870 and the statements of B. N. Duke, James E. Lyon and Mrs. Garrard and others elsewhere herein quoted. These statements also

show that she was called Polly and her marriage bond of December 16, 1826, gives her name as Polly.

That Mrs. Vaughan was named Mary appears from the Census Records of her husband for 1850, 1860 and 1870, and the affidavit of Mrs. Susan Elizabeth Vaughan, which says, "I am fully conversant with facts relative to his (her husband's) mother being one Mary Duke Vaughan" and that on the back of her tintype picture is written "Mary Vaughan, Franklinton, N. C." She was married as Polly and is referred to as Polly Vaughan in many of the affidavits filed on behalf of the Vaughans and hereinafter quoted.

It is a well known fact that during the period in question girls named "Mary" were commonly nicknamed "Polly". And while it is possible for the same parents to have two living children each named Mary and each known and married by the name of Polly, it is a circumstance so unusual as to warrant the avoidance of such a result unless the evidence plainly requires otherwise. Thus, Judge Graham wrote Mr. Vaughan March 22, 1927: "It seems strange that Taylor Duke and his wife should have two children named Polly." And Mr. Vaughan felt the force of this situation so strongly that he thought it indicated an error in the marriage record. He says in his statement of June 22, 1926:

"We have always disclaimed the fact that the Polly or Mary Duke mentioned in the family bible record as being the daughter of Taylor and Dicey Duke born in 1805 was not our grandmother as she would have been thirty or more years old at the time of the marriage of our grandfather, which occurred around Oct. 23rd, 1835. Our records show our Grandfather James Vaughan was married to Polly Duke when he was around 21 years of age and a photostatic copy of this record shows that James Vaughan took out a marriage license to marry Polly Duke Oct. 23rd, 1835. However, we take the stand that this license should

have read Mary and not Polly, or the marriage license of record as of date Dec. 10th, 1826 of James Stagg to Polly Duke should have been Mary Duke and not Polly; one or the other seems to be wrong as the following paragraph will show.

“Now right here I call your particular attention to the fact that there seems to be a mix-up of names in marriage certificates of record, or there is something wrong with the transfer of lands from James Stagg and his wife to Francis Stagg. These records show that the wife of James Stagg was named Mary and not Polly. Which is right?”

(3) The Bible pages come from the one source which, if the affidavits for the Vaughan claimants are to be accepted, would have been most likely to include Mrs. Vaughan in the list of the children of Taylor Duke if she had been one. They come from William J. Duke. And with William J. Duke the Vaughans claim that Mrs. Vaughan was on terms of the closest intimacy. In proof of this they point to:

(a) The loans by William J. Duke to James Vaughan, one secured by deed of trust to James Stagg, Trustee, in 1835, another secured by deed of trust to Frederick Moise, Trustee, in 1837, and others secured by deeds of trust to James R. Ball in 1860 and 1861.

(b) The marriage of William J. Duke to Joanna (Ann) Blackwell, daughter of Mrs. Rosa Blackwell on October 15, 1856, while James Vaughan and his wife resided on land rented from Mrs. Blackwell, from which it is argued that William J. Duke must have met his wife while on a visit to Mrs. Vaughan.

(c) The affidavit of Mrs. Susan Elizabeth Vaughan saying her husband told her:

“He always held a higher regard for his uncle William or Billie Duke than any of his other uncles. It seems, and he told us that his uncle William or Billie was more considerate of children than any of the Duke family. He talked many

times of his uncle William or Billie having a son about the age of himself (William Egbert Vaughan) whom he called Willis or a similar name and that this son and he (William Egbert Vaughan) were almost always together playing their boyish pranks and that his Uncle William or Billie never failed to catch them in every mischievous act they played. He often talked of another boy of his Uncle William or Billie Duke, who was called Kirk, when relating family history. My husband talked of a daughter of William or Billie Duke, which was the youngest of his children. My husband called her Frances or Fanny, but more often 'Tassel' as that seemed to be her nickname. When our children were noisy or talked in a high pitched tone of voice my husband and father would say 'Come Tassel Duke.' He always remembered her especially for her high pitched tone of voice."

When we come to consider the affidavits submitted we shall find the alleged intimacy and relationship controverted. But granting such relationship and intimacy existed it is food for thought that under such circumstances Mrs. Vaughan should be the only child omitted from the William J. Duke Bible list which otherwise not only correctly gives the children but in the order and with the date of their births, even those who died early and in Florida.

(4) The Bible pages come from the proper custody, have been accepted as correct by many who should be qualified to speak, and accord with history in ascribing ten children to Taylor Duke.

The Bible comes from the possession of William J. Duke, the oldest son of Taylor Duke. Mr. Lyon states positively that the list of Taylor Duke's children appeared in these pages in 1883 when he bought the Bible at the sale of William J. Duke's effects just as they appear there now. According to the best of his knowledge and belief the handwriting is that of William J. Duke.

He thinks the Bible came to William J. Duke from his father, Taylor Duke, but of this he is not certain.

The Bible pages have been accepted as correct in their statement of the children of Taylor Duke by Mr. Benjamin N. Duke, the son of Washington Duke and brother of the testator, who is now 72 years old, by Mr. James E. Lyon, now 82 years old, who is the son-in-law of William J. Duke and has been intimately associated with his family from boyhood, and Mrs. Sallie Holloway Garrard, now 76 years old, who is the granddaughter of William J. Duke and lived in his family for some sixteen years prior to her marriage in 1872.

In Volume III. of a work consisting of eight volumes entitled "Biographical History of North Carolina From Colonial Times to the Present (1905)", edited by Samuel A. Ashe, there is a biographical sketch of Washington Duke by John Spencer Bassett in which it is said of Taylor Duke that "he was as prosperous as most of his neighbors but he had a family of ten children and when his son Washington came to face the world it was empty-handed". Mr. Bassett for the years 1893 to 1906 was a Professor of History at Trinity College in Durham, N. C., and knew well Mr. Washington Duke, who was then living in Durham. He writes the Executors:

"The article on Mr. Washington Duke was written from notes I made on conversations with Mr. Washington Duke himself and from other materials. I knew Mr. Duke well."

On June 10, 1908, there was unveiled at Durham, N. C., a memorial statue to Washington Duke. The exercises were conducted and attended by his life-long friends and a pamphlet thereof published which adopts the statements of the Bassett biographical sketch. A similar statement is made on page 239 of a book entitled "Armorial Families of America" published about 1920 by the National Americana Society, and on page 35 of Volume

Three of a book by Zella Armstrong published in 1926 and entitled "Notable Southern Families".

The Executors, therefore, are of opinion that the Bible pages should be accepted as a declaration by William J. Duke and preferred as a record to the unofficial endorsement on the Andrew Jones certificate unless circumstances independent of those records and now to be considered require a different conclusion.

And here, again, they find themselves in accord with the authorities. In the leading case of *Hubbard v. Lees*, L. R. 1 Exch. 255 (1866) the Court said:

"The book was produced by a witness who was a niece of Fanny Wells, and to whose father Fanny Wells had given it. Fanny Wells was a granddaughter of the common ancestor, Charles Lander, and had received the book from her own father. It was therefore a family Bible, and the witness was its proper custodian. This is all that is required to make it evidence; it is in the nature of a record, and being produced from the proper custody is itself evidence. To require evidence of the handwriting or authorship of the entries is to mistake the distinctive character of the evidence, for its derives its weight, not from the fact that the entries are made by any particular person, but that, being in that place, they are to be taken as assented to by those in whose custody the book has been." (p. 258)

So in *Union Central Life Ins. Co. v. Pollard*, 94 Va. 146, 155, the Court said:

"The admissibility of an entry in a family Bible does not depend upon the handwriting or authorship of the entry, but upon the fact that it is in the family Bible. It is of the nature of a record and, being produced from the proper custody, is itself evidence. The reason why it is admissible, although the handwriting be unknown or made by others than the family, is simply because the Bible, being in the family where all have access to it, the

presumption is that the entry would not be permitted to remain if the whole family did not adopt it and thereby give authenticity to it. *Monkton v. Attorney General*, 11 Eng. Chy. R. at pages 162-3 (2 Russ. & Mylne); *Hubbard v. Lees*, 1 Law Rep. (Court of Ex.) 255, 258; 1 Taylor on Evidence Sec. 650; 1 Greenleaf on Evidence Secs. 104, 105."

D. The Census Records of Taylor Duke's Family.

Much reliance is placed on these records by the Vaughan claimants who assert that they completely discredit the Bible pages and prove that Taylor Duke had eleven children, that the eleventh child was Mary (Polly) Duke Vaughan and that she was probably born in the year 1819.

Prior to 1850, although the census included in a family all residing there, it simply enumerated the males and females separately according to their ages and gave no names except that of the head of the family. So the argument for the Vaughans proceeds as follows: They take the Census Record of the Taylor Duke family for 1820 and find that it shows females 3 under 10, 2 between 10 and 18 and 1 between 26 and 45, whereas according to the William J. Duke Bible Taylor Duke in 1820 had daughters 1 under 10 and 3 between 10 and 18. They then say that the census thus shows one more daughter than the Bible list, that this was the Polly Duke who married Vaughan, that at her marriage in 1835 she must have been 16, therefore she was born in 1819 as the Bible pages show a child was born to Taylor Duke in 1818 and also in 1820.

While the Executors will consider the Census Records as a part of the general data, the information they give at this period is so meagre and the method of their taking gives opportunity for such inaccuracies, that they cannot attach to them the conclusive import urged. The con-

clusion drawn is too much of a guess. A Court would hold them inadmissible as evidence.

In *Campbell v. Everhart* (1905) 139 N. C. 503, 52 S. E. 201, the Court said of a Census Record, offered to prove the existence of a certain person at a certain time, that

“it would hardly accord with the general rule in regard to evidence if it was permitted to be considered as against entries in the family Bible which were introduced.”

And in *Gorham v. Sittegast* (1906) 44 Tex. Civ. App. 254, 98 S. W. 665, the Court excluded “an original Census roll, taken in the manner provided by law” which was offered “to show what persons constitute the same family and their ages”, saying:

“The enumerator of the Census knows nothing of the facts as to the matters he records in the roll (*McLane v. Paschal*, 74 Tex. 26); he obtains all the data from others and many times from those who know as little in regard to their truth as he. If rights of property should be made to depend upon such a record they would hang upon a thread that could be broken by the slightest whisper.”

E. The affidavits and statements submitted in support of the Vaughan claim, with the report of Mr. Caldwell upon some of them.

Under this category we have:

(1) Affidavits showing that searches of the U. S. Census Records and of Court, Registry and Tax Records in North Carolina for the period in question indicate the existence in Orange County of only the one Taylor Duke. This is to fix the identity of the Taylor Duke named in the endorsement on the Andrew Jones certificate.

(2) Affidavits showing the above mentioned loans by William J. Duke to James Vaughan in 1835, 1837, 1860 and 1861, and the former's marriage to the daughter of

Mrs. Blackwell while the Vaughans were her tenants. These are a part of the proof offered to establish an intimate relationship between the Duke and Vaughan families.

Another part of this proof is the marriage bonds indicating that Sampson Vaughan, alleged father of James Vaughan, married May 28, 1811, Elizabeth Jones, who it is said was probably a sister of Dicey Jones, the wife of Taylor Duke, because Taylor Duke was bondsman, whereas a Moses Jones was bondsman for Taylor Duke when he married August 14, 1801, and for Sampson Vaughan when on March 25, 1831, he married Nancy Brown. However, in view of Eugene Lee Vaughan's letter of May 2, 1927, to Dr. De Forest, showing Elizabeth Jones was the second wife of Sampson Jones, who had theretofore married in Wales, it is probable that the Sampson Jones who married Nancy Brown was a later generation, as is also shown by the fact that James Vaughan married in 1835.

(3) Affidavits of those interested in sustaining the Vaughan claim, whether directly or through connection by blood or marriage. They consist of those by

(a) Mrs. Susan Elizabeth Vaughan, widow of William Egbert Vaughan, son of Mary (Polly) Duke Vaughan, and Eugene Lee Vaughan, her son;

(b) Martha May Vaughan, the widow (second wife) of John Jiles Vaughan, who was a son of said Mary (Polly) Duke Vaughan, Edward Lee Vaughan, a son of said John Jiles Vaughan, Mrs. Della Sikes Vaughan, widow of James Brodie Vaughan, another son of said John Jiles Vaughan, and Henrietta Margaret Morris, the only child of said James Brodie Vaughan and Della Sikes Vaughan;

(c) John W. Whitfield and Robert H. Whitfield, sons of Mildred Vaughan Whitfield, who was a daughter of Mary (Polly) Duke Vaughan;

(d) Benjamin P. Kearney, son of Edna Vaughan Kearney, a daughter of Mary (Polly) Duke Vaughan, and Mattie Kearney, his wife;

(e) William Francis Kearney, son of Mary Susan Vaughan Kearney, a daughter of Mary (Polly) Duke Vaughan;

(f) I. H. Kearney, a close relative of the above named Kearneys.

These affidavits concur in testifying most positively to a tradition in the Vaughan family that Mrs. Vaughan was the sister of Washington Duke. They produce no Bible records, letters or written data of any kind. They are based almost wholly on remembered statements of the descendants of Mrs. Vaughan, that they had heard her call William and Washington Duke brother and Malinda Duke sister, without other circumstance mentioned, except the following:

I. H. Kearney says he knew Mrs. Vaughan well, had seen Washington Duke at her house and heard her say he was her brother and call him "Brother Wash";

Mattie Kearney, who lived in Texas at one time, narrates a visit to Washington Duke in Durham in 1898 to obtain employment for her husband, Benjamin P. Kearney, whom she explained to Mr. Duke was a grandson of his sister, Mrs. Vaughan, and Mr. Duke introduced her to his son as "one of our kinsfolk from Texas";

Edward Lee Vaughan (55 in 1927) says he remembers hearing his grandmother, Mrs. Vaughan, say that Washington Duke was her brother; also seeing Washington Duke at her burial in 1880; also one or two occasions when Washington Duke visited her at Franklinton and she called him "Brother Wash", but this last he retracted as an error when seen by Mr. Caldwell;

And Robert H. Whitfield, who was born December 7, 1870, says he had heard his grandmother speak of Washington Duke as "Brer or Brother Wash", has been often

in the home of Washington Duke, recalls two occasions when he was in the home of affiant's mother and affiant always called him "Uncle Wash"; did not know William J. Duke or Kirkland Duke; "Don't recall Uncle Wash speaking of my grandmother Vaughan as his sister though that was my general understanding of the relationship"; has inquired for the Vaughan family Bible but has not located it, if it ever existed.

The affidavit of Mrs. Susan Elizabeth Vaughan should have special mention. She was born in 1840 but was well possessed of her faculties when seen by Mr. Caldwell. All her statements are based on conversations had in Missouri with her husband, William Egbert Vaughan, son of Mary (Polly) Duke Vaughan, his brother, John Jiles Vaughan, his sister, Mildred Vaughan Whitfield, and her husband, David H. Whitfield, and his brother, James Whitfield, but these she sets down with a great wealth of detail.

She narrates that her husband came to Missouri at the close of the Civil War and there she met and married him; that he used to talk most entertainingly to his family of his childhood days and war experiences, saying that he was born June 22, 1845, near Hillsboro, in Orange County, N. C., that his parents were James G. Vaughan and Mary Duke Vaughan, and that his mother had a brother William, another brother Washington, another brother or two and a sister "by the name of Malinda (nicknamed Lannie) who as he called her—his old maid Aunt".

One of the most striking passages in this affidavit is that, already quoted, which recited her husband's account of his playing with the children of William J. Duke, whose names she recalled he said were Willis, Kirk and Frances.

Another striking paragraph of the affidavit is the following as to Aunt Lannie:

"He told us of his visits to his Aunt Malinda or Lannie as he often called her, who was an old maid who possessed a large farm or lived on a large farm which she promised at some time to turn over to him (William Egbert Vaughan) if he would not go to war but stay with her and help run this farm. On account of Aunt Malinda or Lannie being rather strict, and he called her 'cranky', and the further fact that she was always trying to teach him table manners, making him sit up at the table in a straight and correct manner and use his knife and fork, he chose to go to war, which he did and served through three years. He often told me and his children in years afterward that he could never forget his Aunt Malinda or Lannie; he often told his children of this when telling them of North Carolina. He was always wondering what had become of her and regretting that he had not treated her very nice."

And the affiant affirms in conclusion that these conversations were long and intimate and

"showed beyond question that my husband's mother was Mary Duke Vaughan and that she was a sister of William or Billie Duke and Washington Duke, also that she was a sister of Malinda or Lannie Duke who was an old maid, and also that there were other brothers and sisters of the Dukes above mentioned".

When seen by Mr. Caldwell, however, Mrs. Susan Elizabeth Vaughan gave a second affidavit, hereinafter noticed, which very materially affected her statements in this first affidavit.

(4) Affidavits from those not interested. These consist of those by

(a) Mrs. Adeline Wright Morton, niece of Mrs. Rosa Blackwell, who lived near when the Vaughans rented from Mrs. Blackwell and played with the Vaughan children. She says she had seen Miss Malinda Duke at the

Vaughans, heard her say Mrs. Vaughan was her sister and the Vaughan children call her aunt; that Kirk Duke, son of William J. Duke, would spend weeks at a time with the Vaughans; has heard the Vaughan children often speak of their Uncle Wash Duke who lived in Durham and thought she had heard Mrs. Vaughan say her father's name was Taylor Duke.

When seen by Mr. Caldwell, however, Mrs. Morton gave a second affidavit, which is hereinafter noticed further, in which she said she knew Mrs. Vaughan's sister Lannie, had heard Mrs. Vaughan speak of a sister named Odee whom the affiant never saw, had seen William Duke but never Washington Duke at the Vaughan's, had seen Kirk Duke there often and thinks he called the Vaughans "Uncle Jim and Aunt Polly" and that

"I won't be positive but I think Mrs. Vaughan spoke of her father as named Sawny Duke. I told Mr. Graham I did not know the name of Mrs. Vaughan's father. He suggested the name of Taylor Duke to me and I told him it was something like that, or seemed like that, but I could not be sure about it. I cannot be sure if it was Sawny or Taylor for I don't recollect. I don't recollect the name of the mother at all."

(b) The four Cookes, namely: J. H., W. A., Victoria and Margaret Cooke. They first gave affidavits as follows: By James H. Cooke, that he "was personally acquainted with Mrs. Mary Duke Vaughan, that she was the sister of the late Washington Duke"; by W. A. Cooke, that he had seen Washington Duke at Mrs. Vaughan's, had heard him refer to her as "his sister Mary", had heard Mrs. Vaughan say "that Washington Duke of Durham was her brother" and had heard his father and Ruffin Holmes say that Mrs. Vaughan was the sister of Washington Duke of Durham; by Victoria and Margaret Cooke, that as girls they lived near the Vaughans, had been in their home often and heard Mrs.

Vaughan say she was a sister of Washington Duke and "knows the fact that Washington Duke came to see Mrs. Polly Duke Vaughan who said she was his sister."

But when seen by Mr. Caldwell, J. H. Cooke gave an affidavit saying he never heard the Vaughans or Washington Duke at any time say they were related, never saw William Duke, or Washington Duke, except once in Durham and never heard anyone say that Washington Duke was at Mrs. Vaughan's funeral. And Victoria and Margaret Cooke gave affidavits in which Victoria said she never had been at the home of Mrs. Vaughan and Margaret said she had been there only once "at recess from school when I went with some girls to get some apples"; and in which both concurred in saying,

"I do not know that Washington Duke ever visited Mrs. Polly Vaughan; I never knew Washington Duke and never heard him say that Polly Duke Vaughan was his sister. I never heard Mrs. Vaughan say that Washington Duke was her brother. Any statements to the contrary in my affidavit of March 23rd, 1927, are not correct."

(c) Misses Lucy and Susan Ball (82 and 80 years old) who lived near the farm of Mrs. Rosa Blackwell and played with the Vaughan children say that Mrs. Vaughan said William J. Duke was her brother and that they had seen Miss Malinda Duke at Mrs. Vaughan's and think Mrs. Vaughan said she was her sister.

Miss Lucy Ball when seen by Mr. Caldwell said that she and her sister Susan had talked to Mr. Graham but neither had told him they were at the Vaughan's often, or had seen Malinda Duke there or heard Mrs. Vaughan say the Billie Duke who married Joanna Blackwell was her brother. "I never said anything of that kind to Mr. Graham. * * * Anything in an affidavit signed by me on April 16th 1927 contrary to what I now say is not true. I told Mr. Graham I had never heard Mrs. Vaughan say anything about her folks or the Dukes either. * * * I

told them I could not read or write and would have to make my mark. They did not read to me from my affidavit of April 16th, 1927, the things I have now in this affidavit denied stating to Mr. Graham and if they had I would have contradicted them."

(d) Hugh Luther Jones (70 years old in 1927) says he was well acquainted "with James Vaughan who married Polly, the sister of William J. Duke and Washington Duke" when he lived on land of Mrs. Rosa Blackwell, had seen Washington Duke at James Vaughan's house during a quarterly meeting at Wesley's Chapel near there, had heard Mrs. Vaughan say that Washington and William J. Duke were her brothers and had helped to dig James Vaughan's grave one Sunday morning in December 1872; that "Mrs. Vaughan never told me what her name was but she was always called Polly Vaughan".

Mr. Jones when seen by Mr. Caldwell said that the affidavit he signed for Mr. Graham was not read by or to him and he now finds it incorrect; that he had seen Washington Duke at Wesley's Chapel but has no recollection of seeing either Billie Duke or Washington Duke at James Vaughan's house and never told Mr. Graham he had seen them there; that he never heard or told Mr. Graham he had heard Mrs. Vaughan say that Billie Duke or Washington Duke were her brothers; that he did not state to Mr. Graham that Polly Vaughan who married James Vaughan was a sister of William J. Duke and Washington Duke; and that he had known and talked to Washington Duke and he never heard him say that Polly Vaughan was his sister.

(e) L. D. Levister, born in 1846, is a nephew of Mrs. Rosa Blackwell and lived near Pope's Chapel. He remembers to have seen "Washington Duke and William J. Duke, his brother, at the conference and Washington Duke spent his time between James Vaughan and Mrs. Rosa Blackwell"; had also seen one of Washington

Duke's sisters visiting at Jim Vaughan's and Mrs. Rosa Blackwell's too, but I do not now recall her name"; William J. Duke was at the burial of Mrs. Vaughan, he thinks Washington Duke was too and had heard Washington Duke call her sister.

Mr. Levister when seen by Mr. Caldwell confirmed his affidavit saying he referred to the period from 1853 to 1859 when he was from 8 to 14 years old. And he added that he recalled seeing Washington Duke in Franklinton about 1869 or 1870 with "two mighty fine black horses and a colored driver dressed in fine clothes". But both Mr. B. N. Duke, the son of Washington Duke, and Mr. W. W. Fuller, the intimate personal counsel of the Dukes, say, as the then recent ending of the Civil War confirms, that Washington possessed no such means at that time.

(f) Robert Long, a colored man, 80 years old, says he remembers that one of Mrs. Vaughan's brothers married Joanna Blackwell, has seen another brother and sister at her house whose names he does not remember, and saw one of Mrs. Vaughan's brothers "I think he was Washington Duke" at the conference at Wesley's Chapel and has heard Mrs. Vaughan say he was her brother.

When seen by Mr. Caldwell, Robert Long gave another affidavit, hereinafter quoted, in which he said Mrs. Vaughan's sisters were Mrs. Harris and Lannie who was unmarried; and that they spoke of their father as Sawny Duke.

(g) Geneva Walters says that she had heard Mrs. Mildred Vaughan Whitfield speak of Washington Duke of Durham as her uncle.

(h) Ella Bobbitt, a nurse in the Vaughan family, says she always "knowed Mrs. Mary Duke Vaughan to be called Mrs. Polly".

(i) A. E. Bobbitt says that Brodie L. Duke, son of Washington Duke, many years ago drove up to his house in the night time, saying that he was on his way to the "funeral of his kinsman William Kirkland Duke"

and asked to stay all night, which was accorded, and while there he asked if affiant was acquainted with his aunt, Mrs. Polly Vaughan, wife of James Vaughan, and went on to talk about his aunt and her family. Bobbitt made the same statement to Mr. Caldwell.

(j) Joe H. Shields, born in 1843, near Hillsboro, says he knew Taylor Duke's family, William, Robert, Washington, Polly and Malinda; that Malinda did not marry but Polly married James Vaughan; that he knew because he had "seen them at Washington Duke's house lots of times. I went to school with two of Polly's boys, James and John" and had heard Mrs. Vaughan "call Washington Duke brother" and was "sure that the Polly that married James Vaughan was Taylor Duke's daughter".

Mr. Caldwell tried for several days to get Mr. Shields to make a statement for the Executors. He flatly refused, saying: "I will not make any statement for you. I have already made an affidavit for Bob Whitfield and I will not make one for you. * * * I heard her call him 'Brother Wash.' and that is all there is to it. They ought to know who their relatives are. Jim Lyon knows all about it and I'm not going to make another statement and get all mixed up."

(k) J. C. Blackley says he lived for a while near the Vaughans at Franklinton and has heard Mrs. Vaughan say on many occasions that Washington Duke of Durham was her brother; that he lived in Durham in 1895-6 and

"that he knew Mr. Washington Duke and frequently met him on the street of Durham and Mr. Duke would stop him and ask him if he had been down to Franklinton lately *and seen anything of his sister Mrs. Vaughan and her family*; he would not only make the general inquiry but would name over Mrs. Vaughan's children, showing that he was well-acquainted with them and ask particularly how each was getting along; he would name over Lucy, the oldest daughter who married Mr. Byron late in life;

and Edna and Sudie who married Kearney's and John Jiles, and Joe and Tom Vaughan. He would also mention William who went out West shortly after the war between the States and never returned and would ask if I ever heard anything from him; he seemed to be well acquainted with the names of every one of Mrs. Vaughan's children and spoke of her as his sister."

But on its face this affidavit is erroneous because it represents Washington Duke as inquiring on the streets of Durham in 1895-6 about an alleged sister who died in 1880. The affidavit of J. J. Thaxton, tax collector, shows 1896 was the year Blackley lived in Durham. And Blackley was convicted in the Superior Court of Wake County in 1904 of embezzlement, sentenced to five years' hard labor on the roads of that County and on appeal this was affirmed.

F. Affidavits and statements which deny and queries which arise in opposition to the Vaughan claim.

Under this category come:

(1) As respects Mr. Washington Duke, the denial by Mr. B. N. Duke in his letter to Mr. Sands, already quoted. In this letter he says that from his earliest recollection he never heard of a Vaughan, Whitfield or Kearney visiting his father; that his father never mentioned them, though he talked frequently of his brothers and sisters; that he was 24 years old when Mrs. Vaughan died but recalls no circumstance as to it, which is strange if she had been his father's sister; that his father in his lifetime made quite a liberal distribution to his nieces and nephews in and around Durham and even in Tennessee and Missouri and a further distribution in his will, but did not include any Vaughan, Kearney or Whitfield, as Mr. Duke says he personally knows because he attended to it.

Mrs. Mary Washington Lyon Stagg makes an affidavit that she is 48 years old and the daughter of R. E. Lyon and Mary Elizabeth Duke Lyon who was the only daughter of Washington Duke; that her husband was James Edward Stagg who was the son of Francis Asbury Stagg, who in turn was the son of Mary (Polly) Duke, the daughter of Taylor Duke; that when about nine or ten years old she, with her parents and brothers, went to live with her grandfather, Washington Duke; that she recalls hearing him talk of his relatives, including "his sister Polly whose real name was Mary who married James Stagg", but she never heard him speak of a sister Mary or Polly who married James Vaughan or say that he had any sister who married a Vaughan; and no Vaughan visited him.

Mrs. Florence Roney Rowland makes affidavit that she is a niece of Washington Duke and lived in his home from November, 1893, to January, 1903, and that Mary Washington Lyon, his grand-daughter, who afterward married Stagg, lived there at the same time; that she heard family matters and relatives discussed, but never heard any Vaughan mentioned as a relative and no Vaughans ever visited the home.

Mrs. Roxanna Frances Farrell makes affidavit that she was born June 20, 1837, and now lives in Durham; that after the end of the Civil War she and her husband lived on Washington Duke's farm and the families "visited back and forth a good deal"; that she became well acquainted with Washington Duke and his immediate family, especially his daughter Mary who married R. E. Lyon and "knew Washington Duke's sister Malinda Duke, an old maid, her mind was not clear, I think she died at old man Washington Duke's after they moved to town"; but that she never heard any mention of any Vaughan or of "a Polly or Mary Duke who is said to have married James Vaughan."

Dr. Robert Lee Flowers, of Duke University, makes affidavit that he knew Mr. Washington Duke very well indeed from 1891 to his death, being frequently at his home, and never heard him speak of any person by the name of Vaughan.

And these denials find support in the assertion by the Vaughan claimants of an estrangement which they say existed between the Vaughans and Washington Duke's family from a time prior to James Vaughan's death in 1872. It has now been quite fully expressed in the affidavit of Mr. Robert H. Whitfield as follows:

"Several years after father's death Uncle Tom Vaughan came and lived with mother and me for about five (5) years. He talked to me considerably about the family. Uncle Tom told me that his father, James Vaughan, and Washington Duke had some misunderstanding about polities; also that when James Vaughan was shot that he, Tom Vaughan, had heard that Uncle Wash Duke had said Bragg had done a good thing, or words to that effect, and that left a hard feeling in Uncle Tom against Uncle Wash. All the family felt the same way."

(2) As respects Malinda Duke, the daughter of Taylor Duke, the fact that she was not called Lannie and lived in her later years and died at the home of Mr. Washington Duke. Under date of January 21, 1926, Mr. George Brown Vaughan, a grandson of Mary (Polly) Duke Vaughan, wrote Mr. B. N. Duke, asking:

"May I ask you a few questions regarding your Aunts Mary and Malinda Duke. Was Malinda called Lannie? Was Mary called Polly? We have heard our parents say and old friend of grandmother's that is living now say she knew Aunt Malinda to visit my Grandmother often."

To this Mr. Duke replied on January 25, 1926, that his Aunt Mary Duke had married James Stagg and was called Polly and

"I never heard my Aunt Malinda called Lannie. From the time of my first recollection after the Civil War Aunt Malinda lived most of her time with my father until her death. When she was not at my father's home she was with my Uncle William J. Duke. She was absolutely without means of any kind and lived on the bounty of my father and Uncle. She never married."

See also the affidavits of James E. Lyon, Mrs. Roxanna Frances Farrell, Mrs. Martha Adeline Proctor, Miss Mary E. Green, Mrs. Frances Helen Cates and William J. Laycock.

(3) As respects Mr. William J. Duke, the denial of Mr. James E. Lyon, who has made an affidavit that he was born in 1845 and raised near William J. Duke's home, served in the Civil War with three of his sons, married his daughter Frances and been intimate with the family all his life; that he knew Mrs. Dicey Jones Duke, widow of Taylor Duke, who lived with William J. Duke from her husband's death until her death in 1860, knew well Joanna Blackwell Duke, the second wife of William J. Duke, also Mary Duke Stagg whom he called Aunt Polly, Amelia Duke who married James Riggs, Miss Malinda Duke who "never was married and lived for a number of years before her death with Mr. Washington Duke and died at his home in Durham County", Washington Duke and Robert Duke, sisters and brothers of William J. Duke, and had never heard "any member of the Duke family speak of Polly or Mary Duke who married James Vaughan". He continues:

"I have some recollection of reading at the time about a Vaughan being killed by a Bragg but I never heard it discussed in the family of William J. Duke.

"I remember taking William J. Duke to Franklinton, N. C. about the year 1876 to see his son, Kirkland Duke. He never said anything to me

about having a sister in Franklin County nor about a Polly or Mary Vaughan. I never heard any member of the Duke family speak of a Polly or Mary Duke who married a Vaughan.

"I am positive that Mr. William J. Duke never attended the funeral of Mrs. Mary Duke Vaughan at Franklinton in 1880. After my marriage in 1872 he seldom went away from home and then only to the immediate neighborhood and to a church which was probably six (6) miles away."

Mrs. Sallie Holloway Garrard, the granddaughter of William J. Duke, was born September 6, 1851, and lived in his house for the 16 years from her mother's death until three years before her marriage in 1872. She said, and affirmed in an affidavit, that she remembered her greatgrandmother Dicey Jones Duke who "lived her last years with my grandfather William J. Duke and died at his home"; knew "Aunt Polly Duke who married James Stagg" and visited her often; also, "Uncle Wash", "Uncle Bob" and "Aunt Malinda" and Ann Blackwell Duke, the second wife of William J. Duke whom she called "grandmother" but was her step-grandmother. She does not remember any member of the Duke family speaking of or being visited by a Mary or Polly Vaughan. She continues:

"I recall going a number of times to Granville County, N. C., now Franklin County, N. C., with my said grandfather and my step-grandmother Ann Blackwell Duke to see her mother Rosa Blackwell, staying with her from two or three days to a week at a time. I never remember going to see anybody by the name of Vaughan at Franklinton which then I think was in Granville County as we used to speak of going to Granville when we went to see 'Granny' Rosa as we used to call her.

"There was an old Methodist preacher in this neighborhood whom we all called 'Uncle Gray' and he and my said grandfather were good friends.

'Uncle Gray' often stayed at my said grandfather's home, sometimes bringing his second wife (he was married twice) to my grandfather's and spending several days at a time. My said grandfather was much interested in religious meetings and took part in prayer and talking at the meetings. I have heard 'Uncle Gray' tease my grandfather and say he was the one who caused him to meet his second wife, Ann Blackwell. I know that 'Uncle Gray' and my grandfather used to go off to hold religious meetings together in different parts of the country.

"When my grandfather took me to Franklin-ton he never took me to see anybody by the name of Vaughan. * * *

"I have heard grandfather William J. Duke speak of his brothers 'Wash', 'Kirk', 'John', 'Brodie' and 'Bob' and of his sisters 'Polly' (who married Stagg), Malinda, Amelia and Reany and never heard him speak of any other brother or sister."

Mrs. Frances Helen Cates makes affidavit that her maiden name was Laycock and that she married Dr. Charles Cates; that she was born March 11, 1855, about four miles from the William J. Duke place, when about twelve moved to a place about a mile from the William J. Duke place; knew that family well and had gone to school with some of the children; that she knew Miss Malinda Duke, "I remember her mind was affected", also Amelia Duke, and had heard them speak of Polly Duke Stagg; that she had never heard mention of a sister who married a Vaughan and "I am sure Washington Duke and William J. Duke did not have two sisters both named Polly or Mary".

Mr. William J. Laycock makes affidavit that he was born May 10, 1857, and corroborates his sister, Mrs. Cates, as to living near and being intimate with the family of William J. Duke; that he worked about a year in a factory his father built for Washington Duke and

while doing so boarded at Washington Duke's home and slept with his son Ben Duke; that he "personally knew Miss Malinda Duke, her mind was off, she never married, she died I think at Washington Duke's home"; also the "sister Mary (called Polly) who married Jim Stagg"; and other members of the family whom he mentioned; that he had often heard the Dukes talk of their relatives but had "never heard Washington Duke or William Duke say that any sister of theirs ever married a man by the name of Vaughan" and "I am satisfied Washington Duke never had but one sister named Mary or Polly and she married Jim Stagg"; that he knows Joe Shields, who lives in Durham, but never saw him at any time at Washington Duke's or William J. Duke's.

Mrs. Mary E. Green makes an affidavit that she was born about three miles from where William J. Duke lived, knew him and Washington Duke and called one "Uncle Billy" and the other "Uncle Wash"; also knew their sister Malinda, whom she called "Miss Linda" and their sister Mary (called Polly) and her husband James Stagg whom she called "Aunt Polly" and "Uncle Stagg", and their children and had helped to nurse their daughter Mary; that she was no relation to any of them and had never heard any talk or mention by any of them of a Polly or Mary Duke who married a Vaughan, nor had she ever heard of a Tyree or Sawny Duke.

Mrs. Martha Adaline Proctor makes affidavit that she was born August 3, 1844, in Person County, but when she married came to live on a plantation lying between the home of William J. Duke and Polly Duke Stagg; that she knew these families intimately; that she "knew Miss Malinda Duke, her health was not very good and her mind was somewhat affected, but still she was able to get around. I think she died at the home of Mr. Washington Duke"; that she knew Mrs. Ann Blackwell Duke and Mr. Washington Duke; that she was not related herself to the Duke family but had often heard them

talk of their relatives; that she never heard any mention of a Vaughan or of a Mary or Polly Duke who married a Vaughan, and "I am very confident that Mrs. Polly (Mary) Duke Stagg never had any sister named Polly or Mary"; and that she knows Joe Shields, who lives in Durham, but never saw him at any time at Washington Duke's or William J. Duke's.

Mrs. Susan L. Dowd, who was born April 9, 1848, lived 6 miles from William J. Duke's, attended same church he did, visited frequently at his home and that of Washington Duke, and that of Mrs. Mary (Polly) Stagg, all of whom she knew well; says she never heard "any of the Dukes mention anything about any Vaughan" and is sure "Mary (Polly) Duke who married James Stagg did not have a sister named Mary or Polly who married a James Vaughan".

Mrs. Jessie Lyon Dickson, a sister of James E. Lyon, makes an affidavit to the same general effect.

(4) The affidavits submitted by the Vaughan claimants fail to make any mention of Mrs. Dicey Jones Duke who lived in the family of William J. Duke for some years after the death of her husband until her own death, April 22, 1860. And it seems strange that nothing should be stated as to her, or visits of Mrs. Vaughan to her alleged mother noted. This was especially true of the affidavit of Mrs. Susan Elizabeth Vaughan because it relates in such detail what her husband had told as to playing with the children of William J. Duke.

(5) The Census Records for 1850 showed one Tyree Duke, aged 78, as a member of the family of Polly Duke Vaughan, thus indicating a natural presumption that he was her father, and the Vaughan affidavits gave no information whatever as to him.

(6) And the Executors are familiar with the Southern custom of adults, especially those of the Methodist

Church (as were the Dukes and Vaughans) addressing each other as "Brother" and "Sister", as well as of the young addressing their elders as "Aunt" and "Uncle", where there was no relationship. (See postscript to Mr. Graham's letter of August 16, 1927.)

G. Affidavits and statements indicating Tyree (Sawney) Duke to be the father of Mary (Polly) Duke Vaughan.

This situation determined the Executors to investigate the Vaughan claim for themselves. For this purpose they selected Mr. Charles Caldwell, an experienced lawyer, in whose ability and integrity, as well as care and industry, they have the utmost confidence.

Mr. Caldwell first saw Mrs. Susan Elizabeth Vaughan. He reports that he found her family away but that she seemed in good health and willing to talk and he was very much impressed with her sincerity and excellent memory. Among other things he asked her if she recalled that her husband had said anything about his grandparents and she thereupon made statements which he deemed important. He had them put in affidavit form and read to her by the same notary who took her first affidavit and she found them correct and made oath accordingly.

In this second affidavit Mrs. Susan Elizabeth Vaughan says:

"I also recall his (my husband) saying to me that one of his grandfathers lived when an old man at his mother's (Mary Duke Vaughan) home; that his eyesight was poor and that he (William Egbert Vaughan) when a young child did in fun sometimes put a chicken bone that had no chicken on it in his grandfather's mouth and have him bite on it and fool him. His grandfather would say to him, perhaps, when you are old your grandchildren will treat you the same way.

“I have no recollection of my husband speaking of his grandmother, the wife of his grandfather, who lived in his old age at the home of his mothers (Mary Duke Vaughan). I think he stated that he had never seen this grandmother, but of this I am not sure.

“I think this grandfather must have died about the time of the Civil War, while my husband was away at war, as my husband did not tell, so far as I can recall, of anything in connection with this grandfather after he, my husband, went to war.

“I have recollection of my husband in speaking of one of his grandfathers, but which one I don’t remember, but saying he was very fond of fine horses.

“I have no recollection of ever hearing my husband mention the name of Thomas Duke as one of his uncles. I never have heard him mention the name of Tyre Duke.”

One importance of this information was well expressed by Judge Graham when he said in his letter of July 5, 1927, to Mr. E. L. Vaughan:

“This statement is unfortunate in that *Taylor Duke* died before 1850, and in the Census of 1850 *Tyre Duke* is enumerated as seventy-eight years old and a member of James Vaughan’s family. As Mrs. Vaughan was named *Polly Duke*, and this old man living in her family, nothing else appearing, it would be presumed that he was the father of Mrs. *Polly Duke Vaughan*. But just here we have the certificate of Andrew Jones to save the situation.”

Of almost equal importance is its showing that William Egbert Vaughan said almost nothing as to his grandmothers, though Mrs. Dicey Jones Duke was living at William J. Duke’s with whose family he was then on such intimate terms.

Mr. E. L. Vaughan wrote Mr. Mapes on July 1st and 13th, 1927, rather complaining of Mr. Caldwell’s seeing his mother, explaining that recent sorrow had dulled her memory and that *Tyre Duke* “was always

spoken of by our father as the old uncle of his mother" who was called Sawny or Tawny and that

"Father always told us, and I know he talked many times of his grandfathers and he stated that his mother's father died when he was a very small boy and that he remembered nothing of him. He never even mentioned his name and I doubt if he knew his name."

However, Mr. Vaughan's letter also said:

"This old man who for a short time lived with our grandmother and grandmother was not the father of either our grandfather or grandmother. He was an Uncle of our grandmother. We never heard his name mentioned. Father always called him 'Uncle Sawny' who was his mother's old uncle. He was blind and my father and his brothers and sisters played many tricks on this old blind man, such as giving him chicken bones to eat without meat, which the children had already eaten off the bones. Then again the children used to put hot coals of fire close to this old Uncle of their mother—that is place these coals of fire close to his feet and burn him."

It will be seen, therefore, that Mr. Vaughan confirms the recollection of his mother in minor respects and differs from her only in the essential relationship of this old man Tyre (Sawny) Duke.

Mr. Caldwell then went to North Carolina and there came across Tillett Harris, living near Stem, N. C. He found him what seemed a most important witness and asked him to come to Durham where a stenographer could take down his statements. This Harris later did and gave both an affidavit and sworn interrogatories.

Summarized, Tillett Harris says in his several statements:

That he was born July 26, 1845, the son of Tommie Harris and Odee Duke Harris; that he had three brothers, namely, Charlie, who married "Mr. Kenny Roberts"

daughter Frances", both now dead, but their children, Johnnie, Dorris, Walter and Tommie, live in or near Durham; Andrew, who married the daughter of Hinton Mangum, both now dead and all their children except Tommie who lives down below Raleigh; William (Bill), who married Nannie Haley, but they and their two children are now dead; that he had one sister, Bettie, who married William Wilkins, both now dead, but left four children, Ira, Charlie, Floyd and Sis;

That his mother was the daughter of Sawny Duke, who lived on Mountain Creek, "t'other side Bahama, Orange County"; that she had one brother, Jesse, and two sisters, Mary (called Polly), and Malinda, known as Lannie; that Jesse Duke had two children, Hal and Noey (Noah) who lived in Granville County; that Lannie never married, kept house for a while for Benton Ray and died at his place; that Polly married James Vaughan and lived at Franklinton, where Vaughan was shot by Bragg; that he remembers Polly had two sons, John and William (Bill) and two of her daughters were Lucy and Mildred;

That when the 17 year old fellows were called out he went into Broadfoot's Regiment, 70th North Carolina Company D, called Junior Reserves, and with him was William Vaughan, son of Polly Duke Vaughan, but after going from Raleigh to Weldon he left this Regiment and entered the Regular Army in July 1864, Company D, Eighth Carolina Regiment, Old General Holt's (Hoke's) Division, and went to Petersburg where he was wounded in the leg during a charge in September 1864, and captured and taken prisoner to Point Lookout, Md., where he remained until discharged in July 1865; that he remembers seeing his Aunt Polly Vaughan at Franklinton when he and Bill passed through as soldiers from Raleigh to Weldon;

That he has seen his mother and her sisters Polly and Malinda together and heard them say that Sawny Duke was their father, but he had never seen Sawny Duke;

That he did not have an uncle named Washington Duke or William Duke; that he remembers no uncle except Jesse Duke.

The following are excerpts from his sworn interrogatories given Mr. Caldwell:

“Q. What was the real name of your aunt whom you called Lannie? A. We called her Lannie but I recollect that Malinda was her right name. Q. Did she marry? A. No sir, never married. * * * Q. Where did she live? A. Up thar in Orange County. Q. Whom did she live with? A. With a man named Benton Ray. He didn’t have no wife and she went thar and kept house for him as long as she lived.”

“Q. Did you ever visit Jim Vaughan and Polly Duke? A. Yes, I went down to their house. Q. Did Polly Duke Vaughan and her husband Jim Vaughan ever visit your mother? A. Yes sir. They would come thar where my Mammy and Daddy lived—they came several times. Q. You say they came several times to see your mother and your father? A. Yes. Aunt Polly and my Mammy was sisters and they would come to see one another. Aunt Polly came to see Mammy several times. Q. Did your Aunt Malinda come too? A. Yes sir. Q. Have you ever seen all three of the sisters together, that is, your mother and Aunt Polly and Aunt Malinda—all there together at your mother’s house? A. Yes.”

“Q. When was the last time that you saw your Aunt Polly Duke Vaughan and where did you see her? A. Well, I saw her at Franklin Depot the last time I ever see her. Q. Will you state just what were the circumstances at Franklin Depot when you saw your Aunt? A. I was in the army with Aunt Polly’s son Billie. He was in the army with me and we was going from Raleigh to Weldon by train. Bill Vaughan wrote his mother and she met him at the train at Franklin Depot. Q. Who was there besides his mother? A. His daddy was along.”

“Q. Do you remember anything about how Jim Vaughan met his death? A. Yes. Q. What was it? A. He got shot. Q. Who shot him? A. I cain’t tell you that—I don’t know. Q. Do you remember that he was shot by some man? A. Yes, sir—they said he was. Q. Do you remember whether they said it was by a man named Bragg? A. Yes, I believe that is what ’twas. That is my best recollection that his name was Bragg. Q. Did Polly Duke live after her husband had died? A. Yes, sir. Q. She is dead now, is she? A. Oh, yes. She lived on a right good while, but she is dead now.”

“Q. Did Jim Vaughan’s wife Polly Duke Vaughan have a brother named Washington? A. No sir. Q. You did not have an uncle named Washington Duke? A. No sir. Q. Did your aunt have a brother named William Duke? A. No sir, she had one named Jesse Duke—he was my uncle.”

“Q. How do you know that your mother and your Aunt Polly and your Aunt Lannie were daughters of Sawny Duke? A. Well, that is what they said. They always called him daddy. That is all I know about it. Q. You have heard them say that. A. Yes, sir. Q. Your Aunt Polly called him Daddy. A. Yes sir. Q. And you have heard your Aunt Lannie say it? A. Yes sir. Q. Did you ever know your grandfather Sawny Duke? A. I hearn talk of him a heap but I never seed him. Q. Do you know where he lived? A. Up thar on Mountain Creek, the t’other side of Bahama, Orange County.”

The statements by Tillett Harris were brought at once to the attention of some of the Vaughan claimants who took it up with Messrs. A. W. Graham & Son of Oxford, N. C. It then transpired that some two months before the Messrs. Graham had talked with Tillett Harris but had not taken his statement or mentioned it to the estate, although he had said Polly Duke Vaughan was his aunt, because he talked in what they regarded as a “vague and indefinite way” saying there may have been a brother named Kirkland Duke and others (Graham’s letter of August 16, 1927).

Shortly thereafter Mr. Graham and Mr. R. H. Whitfield went to see Harris with a stenographer and questioned him in detail; and he gave answers entirely confirmatory of his statements to Mr. Caldwell. Thus he said:

“Q. You told me once I believe your mother was Miss Ody Duke. A. Yes. Q. who was her father? A. Sawn Duke. Q. Did they call him Sawny sometimes? A. Yes, that is what his name was. * * * Q. How many brothers and sisters did your mother have? A. Only two besides herself. Q. Who were they? A. Laney and Polly Duke. Q. Did she have any brothers? A. One brother I believe. Q. Whom did Laney Duke marry? A. Nobody. Polly Duke married a Vaughan. Q. What Vaughan? A. Jim Vaughan.”

“Q. Did you ever hear of Kirk Duke? A. No. Old man Jesse Duke was my Mammy’s brother. Q. Jesse had a son named Noah? A. Yes. Q. What was his other son named? A. Hal. * * * Q. Ever know anything about Washington Duke? A. I never have seen him. I’ve heard talk of him. Q. You know nothing about William? A. No. Q. How many other brothers did your mother have besides Jesse Duke? A. That was the only one I think. Q. Four in the family. A. Yes.”

“Q. Which Regiment were you in? A. When the seventeen-year old fellows were called out, Broadfoot’s Regiment, 70th North Carolina, Company D. Q. Called Junior Reserves? A. Yes. Q. When did you join? A. I went out in May in ’64. Q. Where did you enlist at? A. Raleigh. Q. Which way did you go from here to Raleigh? A. I went down here at Franklinton Depot and took the train. Q. You see your folks? A. Yes, I saw Aunt Polly and all them boys. Bill went out when I did. * * * Q. You were in the company with Bill. A. Yes, I show was. Q. When did you last see Bill? A. I have not seen him since the war ended. I left the regiment where I first joined and went to the regular army and left them at Weldon and went from Weldon to Petersburg when I come eighteen years old.”

“Q. Did you ever hear of Renie Duke? A. No. I knew Laney Duke. Q. Who was that? A. My Mammy's sister. Q. Did she ever marry? A. No. * * * Q. Where did she live? A. Benton Ray's.”

“Q. Sawney Duke had three girls? A. Yes. Q. Your mother and Laney? A. And Polly. Q. And one boy? A. Yes, that is right, named Jesse. Q. Old man Noah Duke is your first cousin. A. Yes. Q. He married Anne Duke. A. Yes. Q. Who is she? A. Some of them Dukes up there about the Thorp Settlement. * * * Q. Didn't a Polly Duke marry a Stagg, James Stagg, and one married Moses Leathers? A. That's a set of Dukes I don't know anything about.”

“Q. You have seen Vaughan? A. Yes. Q. How was it he did not go to the war? A. He was too old. Q. How many of his boys went? A. Two, one named John about the first of the war and Bill went when I did.”

Thereafter, Mr. George G. Allen received a letter mailed from Oxford, but dated Stem, N. C., July 28, 1927, signed by Tillett Harris before a Notary, which stated that after thinking and worrying over the matter Harris had concluded he had made a mistake in his previous statements and that Polly Vaughan was his cousin, and not his aunt. The only explanation the letter gave for this change was that Harris felt he had made a mistake in saying in his previous statements that James Vaughan and his wife had gone to Franklinton upon their marriage. This change was so strange and important, and the reason given for it so unsatisfactory, in view of the previous statements made by Harris in detail both to Mr. Caldwell and Mr. Graham, none of which details the letter retracted, that the Executors asked Mr. Caldwell again to see Harris and get a full explanation so that the real facts might be certainly known.

Pursuant to this, Mr. Caldwell went to see Harris again, and on August 16, 1927, when Harris told him, and gave him an affidavit and sworn interrogatories stating:

That about a week after Mr. Graham and Mr. Whitfield had been to see Harris, Whitfield had come back alone to see Harris and told him that if he would sign a letter stating that Polly Vaughan was his cousin instead of his aunt they would get \$25,000 apiece, and that neither of them would get anything if he didn't; that thereby Whitfield induced Harris to accompany him the next day to Oxford (going and returning by a route that avoided Stem) and sign the letter which Mr. Allen had received; that Harris had already repented of writing the letter because it was wrong and had spoken to Mr. Lee Goss about it, notwithstanding Whitfield had told him two or three times not to mention the letter to anybody, and asked Mr. Goss to write Caldwell correcting it. In the affidavit and sworn interrogatories Harris frankly confesses the wrong, says he is sorry for it, confirms his previous statements to Caldwell and Graham, and declares that in truth Polly Vaughan was his aunt and not his cousin.

In addition, Caldwell took the affidavit of Mr. Goss. It confirms that Whitfield came to see Harris and that next day Harris went with Whitfield to Oxford; also that Harris had told Goss that "Bob Whitfield had fooled him into signing a letter saying that his Aunt Polly Vaughan was not his aunt but his cousin and that he was sorry he done it", and wanted him to write Caldwell about it. And this affidavit further states that Whitfield came into the neighborhood again by himself and later Whitfield and Graham came together, and Graham asked Goss who had been to see Harris besides Graham, Graham's father and Caldwell, whereupon Goss told Graham of Harris having gone with Whitfield to Oxford and signing the letter there and that Graham had disclaimed all knowledge of the letter. Mr. Graham has since repeated this disclaimer in his letter to the Executors of August 16, 1927.

Investigation was continued in the light of the statements by Mrs. Susan Elizabeth Vaughan and Tillett Harris and with the following results.

With respect to the Bettie Harris who married William Wilkins, her son, Charles D. Wilkins, gave Mr. Caldwell an affidavit and also sworn interrogatories in which he fully corroborates Tillett Harris, stating that his mother told him that she was born in 1842 and married in 1867 and was the daughter of Thomas Harris and Ota Duke, who were married February 28, 1836, and that Ota Duke was the daughter of Tyre Duke and Elizabeth Rhew who were married March 9, 1813, that his brothers and sisters were Ira, Floyd and Dora, called Sis, and thus continues:

“Q. Do you recall your mother stating whether or not her mother, Ota Duke Harris, had any sisters? A. Yes sir. Q. Do you recall any of the names of Ota Duke Harris’ sisters? A. Yes sir. One sister that I recall was Delaney Duke, who was unmarried —an old maid. Q. What was the name by which you ordinarily heard your mother refer to her Aunt ‘Delaney’? A. Aunt Laney. Q. Do you recall your mother ever referring to any other sister Ota Duke Harris had? A. Yes. She referred to one that married Vaughan who lived in Franklin County. Q. Do you recall any incident in connection with your grandmother’s sister who married Vaughan? A. Nothing except my mother speaking of her visit to her Aunt Mrs. Vaughan during the Civil War when she went down to Franklinton to see her brother who was going to the army and would pass through Franklinton, and she spent the night with her aunt, Mrs. Vaughan.”

“Q. Who was it, as you remember, that your mother was going to see at Franklinton? A. Tillett Harris. Q. Do you recall Tillett Harris? A. Yes. Q. What relation is Tillett Harris to you? A. My uncle; mother’s brother. Q. Do you recall whether or not your mother had any uncle by the name of Jesse Duke? A. I don’t remember.

“Q. What talk do you recall having heard your mother have, if any, in reference to Tyree Duke? A. Nothing except that he was her grandfather. Q. What do you remember hearing your mother say in

reference to Tyree Duke's wife, Elizabeth Rhew? A. That she was named for her grandmother is all I particularly recall. Q. By that you mean that she was named Elizabeth after her grandmother, Elizabeth Rhew, who married Tyree Duke? A. Yes sir. Q. Did I understand you to say that your mother was named Elizabeth Harris but generally known as 'Betty' Harris? A. Yes."

"Q. Do you recall anything that your mother stated as to where her Aunt Laney died? A. Yes sir. She died in the old Bethel section at the Ray place. Q. State county. A. At that time Orange County. Q. Now what county? A. Durham. Q. And you say she was never married? A. No. Q. So you remember your mother speaking of her mother, Ota, and her Aunt, Delaney or Laney, and her Aunt, Mrs. Vaughan, who lived at Franklinton? A. Yes."

"Q. Did she say what relation Washington Duke was to her mother? A. First cousin. Q. Did she tell you the name of Washington Duke's father? A. Yes sir. Q. What was that name? A. Taylor Duke. Q. What was the name of the father of your grandmother, Ota Duke, as told to you by your mother? A. Tyre Duke. Q. Do you have any recollection of your mother stating to you what the relation was between Taylor Duke and Tyre Duke? A. Yes. Q. What? A. Brothers, and that Tyre Duke was older than Taylor Duke. Q. Do you recall anything of the occasion or circumstances which led to your mother telling you of the relationship between Taylor Duke and Tyre Duke—how it came about that she talked to you about it? A. It was from an inquiry of my own asking the relations of Washington Duke and my mother and she made the statement. Q. What occasioned you to make that inquiry of your mother? A. Due to seeing Washington Duke in Durham from frequent trips there naturally led me to the inquiry of relationship."

"Q. Do you recall any people by the name of Whitfield? A. Yes, sir. Q. Where do they live now? A. Creedmore, Granville County, North Carolina. Q. How did you become acquainted with them? A.

During the baseball season I played baseball on what was known as the Lion Baseball Team from Granville County and the Whitfield boys were playing on the Franklinton team and it was during these games I met the Whitfield boys. Q. Did your mother say anything to you about the Whitfield boys? A. Yes sir. Q. What did she say? A. She told me that one of the daughters of her Aunt Vaughan had married a Whitfield, and these boys were kin to me. Q. Do you recall the name of those Whitfield boys? A. Yes sir. Q. What were their names? A. John and Bob. Q. Have you any idea whose children they were? A. No sir."

"Q. Have you ever had any talk with your uncle, Charles Harris, relative to the relationship of the family? A. Yes. Q. Where were you when you had those talks? A. In his home and in his store. Q. What place? A. West Durham, North Carolina. Q. When? A. 1898. Q. What were you doing there? A. Working in the store for him. Q. What is your recollection of what your uncle, Charles Harris, told you about any of your ancestors? A. During the conversation about our ancestors he told me the relationship of Grandmother Ota Duke Harris and Washington Duke were first cousins, and that Taylor Duke and Tyre Duke were brothers. Q. Did he say where he got that information? A. No, he did not. Q. Was Ota Duke Harris his mother? A. Yes. Q. Did he know Washington Duke? A. Yes. Q. You have seen him with Washington Duke? A. No. Q. But both of them lived in Durham at the same time? A. Yes. Q. Did he, your uncle Charles Harris, ever state what relationship Tyre Duke was to him? A. Yes. Q. What? A. Grandfather."

And also the affidavit of Mrs. Dora E. Parham, the daughter of Bettie Harris Wilkins, called Sis, which says:

"My grandmother—that is, my mother's mother—was Odee (Otie) Duke. I have heard my mother speak of her mother, Otie (Odee) Duke and my grandmother's sister Polly Duke and my grandmother's brother Jesse Duke and my grandmother's

sister Lanie Duke. Tillett Harris is my uncle. He is my mother's brother and the only one of my mother's brothers living. My uncles were Charles Harris and Andrew Harris, Bill Harris and Tillett Harris and but one girl, Bettie Harris. She was my mother. I have some recollection of hearing my mother say that her grandfather was Sawny Duke; also that Polly Duke married Jim Vaughan."

With respect to Andrew Harris, one of the brothers of Tillett Harris, we have the affidavit of Mrs. La Sene Harris, which fully corroborates the statements of Tillett Harris. She says that she is 76 years old, lives in Durham and was the second wife of Andrew Harris, who was the son of Tommie Harris and Ottie Duke Harris; that she recalls her husband speaking of his Aunt Polly Duke but does not recall him mentioning the name of Vaughan. She continues:

"My husband was married twice; his first wife was Kate Mangum. She died. They have one living child, Thomas Harris, near Apex in Wake County, N. C. I am his second wife. He died about eight years ago. I remember seeing his father Tommie Harris, but I never saw his mother, Ottie Harris."

From disinterested parties a great many affidavits have been accumulated, confirming in many ways the statements of Tillett Harris as to the parentage and brothers and sisters of his mother, as well as with respect to his own parentage and brothers and sister. They are:

Edward P. Roberts, who makes an affidavit saying:

"I have known Tillett Harris all my life. I will be seventy-five (75) years old January 31, 1928. I knew his father Tommie Harris very well and remember a table and wooden safe that Tommie Harris made for me and they are still in my family. I knew well Tillett Harris' mother Ottie Harris and have been in her house many a time. They lived about two miles from where I lived."

"I remember 'Aunt Otie', as I used to call Tillett's mother, had two sisters, one old 'Aunt Lannie' and the other 'Aunt Polly'. Aunt Lannie was a single woman and Aunt Polly had married a man by the name of Vaughan. I have seen them at Tommie Harris' home. Remember hearing that Aunt Polly's husband was shot and killed at Franklinton."

"I knew all the Harris boys: Charlie, Bill, Andrew, Tillett and Bettie who married a Wilkins. Charlie Harris married Frances Roberts who was a double first cousin of mine."

Ernest B. Cozart, 64 years old, who makes an affidavit in which he says:

"I know Tillett Harris and have known him ever since I was about seven years old. * * * I have kept in touch with Tillett Harris more or less all my life. At one time he worked for my grandfather, William H. Jones. He also worked for me off and on for eight or ten years or more. * * * I knew his brother Charlie Harris who lived near me. I also knew his father, Thomas (Tommie) Harris, and knew Otie Duke Harris, the mother of Tillett Harris and wife of Thomas (Tommie) Harris."

"I have heard the Harris boys speak of their grandfather 'Sawny Duke' but I never knew him. I have also heard the Harris boys speak of their mother's sister, Polly Duke, who they said married a Vaughan. I don't remember having seen Polly Duke Vaughan but have often heard them speak of their Aunt Polly Duke Vaughan and have been hearing them speak of her ever since I was a small boy."

"I and the Harris boys often used to talk about the old people and our kin folks; and about the times that Tillett worked for my grandfather and about the fights the boys had."

Mrs. Adeline Wright Morton, who had already given an affidavit showing she lived near the Vaughans during the period when they rented from Mrs. Rosa Blackwell, gave Mr. Caldwell an affidavit correcting her former affidavit in some particulars, and saying:

"I remember James Vaughan and his wife Polly Vaughan and I knew their children and lived close to where they lived. I knew her sister Lannie who visited Mrs. Vaughan. Lannie was an old maid. She lived in Orange County I think. I have heard Mrs. Vaughan speak of her sister Odee but I never saw her. I won't be positive but I think Mrs. Vaughan spoke of her father as named Sawny Duke. * * * I cannot be sure if it was Sawny or Taylor, for I don't recollect. I don't recollect the name of the mother at all."

Mrs. Susie Lee, widow of John Lee, was born on February 4th 1845, in old Orange County, and makes an affidavit saying that she and her husband lived at the Ray Place four years after 1887 and that

"While at the Ray Place I became acquainted, as I recall it, with Tillett Harris and his brother Bill Harris, who lived near me. Each of them lived in separate houses. They worked on farms and Bill Harris stayed some at Moore's Mill which was a corn and grist and flour mill. They were both grown men when I first knew them. I remember hearing them speak of their mother as Otie (Odee) Harris. I have heard them speak of their father Tommie Harris. I did not know their mother or father. I remember hearing Tillett Harris and my old man talking about Tillett Harris' Aunt Polly Vaughan. I also heard Tillett Harris talking about his Aunt Lannie, an old maid."

James Norman Tilley, 71 years old, in his affidavit says:

"I knew Thomas (Tom) Harris and his wife, Otie Duke Harris and their sons Charlie, Andrew, William and Tillett and Bettie, their daughter. I knew Lannie Duke, the sister of Otie Duke Harris. She was an old maid. I saw her at Tom Harris' house. I did not know any Polly Duke who is said to have married a Vaughan and I did not know any Jesse Duke so far as I can now recall."

John Suitt, 67 years old, makes affidavit that:

"My father, Sam Suitt, came to this section of country about 1875 and brought me with him. I became acquainted with Tillett Harris and his brother Bill Harris. Bill Harris and I worked together at different places. I knew Bill Harris very well. I have seen his brother Charlie but did not know him much."

"I have heard Bill Harris speak of his mother Otie Harris. I have heard him speak about his uncle Jesse. My best recollection is that I have heard Billy Harris speak about having an Aunt Polly Vaughan, but I don't recall it distinctly; it may come back to me if I study over it. I have heard him speak of his grandfather Sawny Duke. I knew Bill Harris for more than twenty-five (25) years."

Robert Long, a colored man 80 years old, in his affidavit says:

"I knew Mrs. Rosa Blackwell and her daughter Anna mighty well. I remember her (Anna's) marriage and got some of the good things to eat at the wedding. She married a man by the name of Duke."

"I remember Mr. Jim Vaughan and his wife Mrs. Mary Vaughan very well. They lived on the Rosa Blackwell place. I have eaten many a biscuit at her place."

"I have seen Mrs. Mary Vaughan's sisters when they visited her. One was a Mrs. Harris; also an unmarried sister called Lannie. I have heard them talk about their father Sawny Duke."

"I saw Jim Vaughan at the time he was shot. I was close by and saw him fall on his face. Bragg shot him."

Alvis Kinchen Unstead, born June 30th 1839 on the banks of Flat River, near Bahama, knew William J. Duke, his brother Washington, his sister Miss Reany, but not their father or mother; knew the children of Washington and Mrs. Lyon the daughter of William; remembers men older than he, named Sampson, William, Wylie

and Thom Vaughan, who lived in the Bahama neighborhood; also knew John, Bush Bill, Nash and Noah Duke who were grown men when he was a boy, but does not recall name Tyree Duke. He continues:

“I knew an old Methodist preacher whom we all called ‘Uncle Gray’ and have heard him preach many a time. He and William Duke were good friends and William Duke would pray and sing and shout and help ‘Uncle Gray’ in his meetings.”

“I knew Tillett Harris when I was a boy. He was a boy then too. He has always borne a good reputation so far as I know. I knew his father, Thomas (Tommie) Harris and his mother, Otee Harris. Thomas (Tommie) Harris ran a mill owned by Marcus Harris. The mill was on Flat River. I knew that Tillett Harris’ sister, Bettie Harris, married William Wilkins. I myself have married twice and both times married daughters of the mill-owner, Marcus Harris; they were half-sisters.”

“I did not know ‘Sawny’ Duke personally, but have heard the folks living back sixty (60) years or more ago talk about him. I knew where they said he lived. It was near what is now Bahama near Flat River, and there is a deep hole in Flat River near where ‘Sawny’ Duke lived called ‘Sawny Duke hole’, and I have fished in it many a time. Dry Creek emptied into Flat River right near where ‘Sawny’ Duke lived—that is near where I was told he lived—I don’t recall ever seeing him.”

Additional affidavits as to the descendants of Jesse Duke are:

Mrs. Mary A. Stem, 84 on August 12, 1927, and had lived at Stem most of her life, who says:

“I knew Jesse Duke who lived at Shoo-fly near Stem, about a mile from Stem. He was an old man when I first knew him. He had two boys, Hal and Noey (Noah). Hall and Noey at different times worked on the farm and lived with my Aunts Elizabeth and Rachel Green. Hall had two children, Mary and Murphy. Noey had a son named Alex.”

"I have heard the name Sawny Duke but never knew him."

"The only Dukes now living in this neighborhood are Alex Duke and Mrs. Will Haskins and there is a George Duke near Tar River Station, Granville County, who is Noey Duke's son."

Mrs. Mary Laney Haskins says she is 47, daughter of Murphy Duke of Elberon, Warren Co., N. C., and that

"My grandfather was Hal Duke and his father was Jesse Duke. I don't know the name of Jesse Duke's father. I don't know if Jesse Duke had any brothers or sisters."

And W. Alex Duke says that

"My father was Buck Duke and his father was Noey Duke and his father was Jesse Duke. I have no Bible records. I have seen my grandfather, Noey Duke. My father has told me my great grandfather was Jesse Duke. I also remember my uncle Hal Duke who was grandfather's brother. They are all dead."

Additional affidavits as to Laney Duke are

A. N. Blalock, 70 years old, who says that he married Sallie Ray, daughter of Benton Ray, and that

"I knew very well Aunt Lanie Duke who kept house for Benton Ray for a number of years. My recollection is that Aunt Lannie Duke died at the Benton Ray place. She was a single woman—an old maid. I was no relation to her; but called her aunt because she was old and I was a young man."

Mrs. Ella Hill, the daughter of A. N. Blalock and Sallie Ray, who makes affidavit that her mother, who is now dead, said:

"Old Miss Lanie Duke stayed at the home of my grandfather Benton Ray, at the Ray Place, not far from what is now Bahama, and kept house for him for several years."

William J. Laycock, from whose affidavit we have already quoted showing that he was born in 1857 near the William J. Duke place, was intimately acquainted with his family and personally knew his sister Miss Malinda Duke, further said:

“I knew Miss Sallie Ray, the daughter of Benton Ray. She married Andrew Blalock. I have heard her say that a woman whom she called Aunt Lanie Duke lived with her father, Benton Ray, at the Ray place. I know this Lanie Duke was not a sister of Washington or William J. Duke.

“The Malinda Duke who was the sister of Washington Duke was an entirely different person from the Lanie Duke who lived on the Benton Ray Place.”

James E. Lyon, the son-in-law of William J. Duke, who knew personally both the Malinda Dukes, says:

“I have heard Sawny Duke spoken of but I never knew him.” * * *

“I knew real well Benton Ray and knew slightly Miss Lanie Duke who lived in the same house with Benton Ray on the Ray place in old Orange County, but I don’t recall ever having talked with Miss Lanie Duke about any of her relatives.” * * *

“I have frequently talked with Miss Malinda Duke, sister of Washington Duke and William J. Duke. I had known her a number of years before she died and have never heard her say that she had visited or even knew Polly or Mary Duke who had married a Vaughan. Miss Malinda Duke, the sister of Washington Duke, was never married and lived for a number of years before her death with Mr. Washington Duke and died at his home in Durham County.”

“I never heard any member of the Duke family speak of a Polly or Mary Duke who married a Vaughan.”

And Mrs. Susan L. Dowd, who likewise knew both Malinda Dukes, makes affidavit:

"I knew Benton Ray who lived at the Ray Place about two miles from my home; his wife died and left three children, and an old maid by the name of Lanie Duke, whom I personally knew, kept house for him. She was not a sister of Washington Duke. She was a different person from Miss Malinda Duke, who was called 'Linda' and who was a sister of Washington Duke. The old Ray Place was near Little River and near Lipscomb's Mill, and about a mile from the Roxboro Road.

"Benton Ray bought a new place which was about four miles from the old Ray Place. The second place was the place where he lived when his wife died, and where 'Lanie' Duke kept house for him."

H. What the records show as to the Harris statement.

Coming to the records, there has been found in the Historical Commission the license issued August 27, 1867, by Geo. Laws, Clerk of the County Court at Hillsboro, for the marriage of "Wm. Harris son of Thos. Harris and Otty Harris and Nancy Evans daughter of Gidian Haily and Betsy Haily" on which there is an endorsement that they were married September 1, 1867, by "Joseph Woods, J. P."

The War Records show: That there enlisted at Raleigh on May 21st, 1864, "W. Vaughan" in Company A and "M. Harris" and "William Vaughan" in Company D, both of 70th Regiment North Carolina State Troops, Infantry, Junior Reserves, Lt. Col. C. W. Broadfoot; that the First Battalion (Broadfoot) and Sixth (Clark) were organized into the First Regiment of Reserves (Seventieth North Carolina Regiment) at Weldon July 4, 1864; that "M. Harris" was enrolled July 27th 1864, in the Eighth Regiment N. C. Troops, Company D; and that the Eighth Regiment participated in an assault on Fort Harrison at Petersburg, Va., September 30, 1864, and was almost annihilated, 174 men and officers going out and only 25 returning, "the others were killed,

wounded and captured". See Moore's Roster, Vol. I., p. 273, and Vol. IV., pp. 398-421; also "North Carolina Regiments 1861-65" by Walter Clark, Vol. IV., pp. 3, 4, 407.

In addition, "The War of the Rebellion", Series III., Vol. VIII., p. 998, shows release of all prisoners from Point Lookout by July 5th 1865. We also have the pension application of "M. T. Harris" made July 20, 1908, stating that he is 63 years old, resides at Stem, enlisted in "Co. B. 70 Reg. N. C. State Troops" in May 1864 and was wounded in the right leg at Fort Harrison about September 30, 1864. Proper identification is attached to this application. And we have verified that on it pensions have since been paid to the Tillett Harris in question; also that Tillett Harris enlisted as M. Harris, his first name being Marcom and that by which his daddy called him (see sworn interrogatories of Harris dated August 16, 1927).

John Oakley, of Timberlake, Person County, N. C., who was 81 September 8th 1927, says he knew Tillett Harris, Andrew Harris, Charlie Harris and Bill Harris and that:

"Tillett Harris was in the war with me. So was Bill Vaughan. We were all three in the same company. We enlisted in May 1864 when the Junior Reserves were called out. We enlisted at Raleigh and went by train to Weldon, N. C. At Weldon we separated into different companies."

The Census Records are erroneously claimed by the Vaughans to contradict the statements of Harris. Thus Mr. E. L. Vaughan, writing on August 12th 1927, narrates the Census Records for the years 1840, 1850, 1860 and 1870, of various persons named Harris, says that he had found the record of Thomas Harris only for 1840 and 1850, and declares that "all other efforts to find anyone by the name of Thomas Harris, Tillett Harris or

any Harris by any other first name failed in its entirety as there is no record other than given above". In this narration he says the records show the family of Thomas Harris to be for 1840 Thomas Harris between 30 and 40, with a wife between 20 and 30 and one boy and one girl under 5, and for 1850 Thomas Harris 40, Otey Harris 36, Charles Harris 10, Betsey Harris 12, Andrew Harris 8, Marcom Harris 6 and William Harris 4. And from this he concludes "There is no Tillett Harris listed in this family any place". Mr. Graham makes a similar assertion in his letter of August 16, 1927. But both are based on inadequate information, for the Executors have found that the Census Records for 1860 give this family as living at Tally Ho in Ledge of Rock District, Granville County, near Jesse Duke, and consisting of Thomas Harris 51, Oty Harris 48, Elizabeth Harris 20, Andrew Harris 18, Tillet Harris 15 and Will Harris 13. This seems full confirmation by the Census Records of the previous ascertainment, as above noted, that Marcom and Tillett Harris are the same person and had the parents, brothers and sister as stated by Tillett Harris.

The records likewise indicate confirmation of the statements of Harris about Jesse Duke. Thus we have the bond for his marriage to Nancy Roberts dated November 1, 1817, with Joseph A. Woods, witness and Shadrach Roberts security. We also have the Census Records for him beginning with 1820 and running consecutively through 1860. The record for 1850 shows the family in Napp of Reeds District, Granville County, and to be Jesse Duke 44, Nancy Duke 38, Noah Duke 20 and Sivilla Duke (f) 30. The record for 1860 shows him near Thomas Harris at Tally Ho, in Ledge of Rock District, Granville County (the two returns having been taken consecutively by the same person on the same day) and the family to be Jesse Duke 65 and Lively Duke (f) 60, thus indicating the death of Nancy and Marriage of Noah since 1850, and that the Census for 1850 erred in its

statement of his age and that of his wife. And this is confirmed by the Census for 1860 showing in Granville County Noah Duke and Ann Duke with no children and the same two for the same County in 1870 with four children, the eldest being George, 8 years old, which concurs with affidavits already quoted.

The Census Records of Jesse Duke prior to 1850 confirm this mistake as to the ages of himself and his wife by showing their ages to be both between 40 and 50 in 1840, both between 30 and 40 in 1830 and for 1820 hers to be between 16 and 26 and his between 26 and 45, thus placing his birth prior to 1800 as did the age 65 given in the Census for 1860. These Census Records also indicate that Sivila and Livly Duke were not daughters of Jesse Duke for they show only two female children, one under 5 in 1830 and one between 5 and 10 in 1840. And these Census Records further show a son over 15 in 1840 who was therefore older than Noah and could have been married and out of the family in 1850 and the Hal whom Tillet Harris and others quoted have said was the other son. And this is confirmed by the Census showing in Granville County for 1850 Hal Duke 25, Mahaly Duke 20 and Mary 1, in 1860 Hal 30, Mahala 33, Mary 10 and Murphy 7, and in 1870 Hal 50, Mahalie 45, Mary 21 and Murphy 17, which completely concurs with the affidavits as to Hal's children by Mrs. Stem, previously quoted.

The Census Records show Benton Ray's family to be in 1860 Benton Ray 44, Laney Duke 74, John Ray 9, Sallie Ray 8 and James Ray 6, and in 1870 Benton Ray 55, John Ray 18, Sally Ray 17, James Ray 14 and Julia Duke (Domestic S.) 17, which accords with affidavits previously quoted as to his family. It thus also tends to confirm the statement of Harris that Laney Duke kept house for Benton Ray, and died at his place. However, the age of 74, if correct, would show her not to be the daughter of, because only 14 years younger than, Tyre

Duke whose age is given as 78 in the Census of 1850. But reliance cannot be placed on such figures, as we have just seen in the case of Jesse Duke and his wife and Hal Duke and his wife; and the Census gives the age of Mrs. Vaughan, who ~~married~~ in 1835, as 25 in 1850 and 40 in 1860. So it is entirely possible that 74 is a mistake for a lower figure, say 47 or 54, which would agree with the statement of Tillett Harris that she lived to around fifty or more and accord with her keeping house for a widower aged 44 with three children under 10.

The records show a Tyree Duke but no Sawney Duke, while Harris speaks only of a Sawney Duke and disclaims any knowledge of a Tyree Duke. But this discrepancy seems explained by the showing that Sawney was the nickname by which Tyree Duke was commonly known. Thus the Census for 1850 shows Tyree Duke aged 78 a member of the Vaughan family. Yet Mr. E. L. Vaughan writes (Letters of July 1 and 13, 1927) that his father (a son of Mrs. Vaughan) referred to this old man as "Uncle Sawney" and never mentioned the name "Tyree". Mr. R. H. Whitfield says in his affidavit that he had heard his "Uncle Tom Vaughan (another son of Mrs. Vaughan) speak of Tyre Duke. He said Tyre Duke stayed at his mother's home a good deal. Tom called him 'Uncle Tyre.' Tom called him 'Tyry' as well as I can remember." And Mr. Graham, Counsel for the Vaughan claimants, writes (letter of August 16, 1927): "In all our searches we have been unable to find any traces of Sawney Duke, and Mr. Vaughan informs us that the Census Records at Washington do not disclose his name. An old man named Oakley, who is now living in Person County, told us that 'Sawney' was the nickname of 'Tyre' Duke and it seems to me that someone else gave us the same information."

The records show the existence of this Tyree Duke consistently from prior to 1800 to his inclusion in the

family of James Vaughan in 1850 at 78 which would put his birth around 1772. Besides the Census Records to be noted later we have the tax lists showing him the owner of land from 1789 to 1801. And we have his deed of this land to James Leathers, Trustee, in 1820 and sale by the Trustee to Samuel Garborough in 1832. The Orange County Court Minutes show his appointment as a hand in February 1799 along with Taylor, Robert and Hardiman Duke, to work the "road from Rocky Branch to Bennehans" and in November 1811 to work the "road from Mountain Creek to Hunter's Ford on Flat River". They also show the suits of *William P. Mangum vs. Tyree Duke* in February 1812, *Tyree Duke vs. Duke & Horton* in August 1817 and *Wm. Cain Admr. vs. Thomas Rhew and Tyree Duke* in May 1818. And we have the bond for Tyree Duke's marriage to Elizabeth Rhew dated March 9th 1813 with J. Taylor witness and William Warren security.

The Census Records of Tyree Duke indicate a prior marriage of which Jesse Duke was probably the issue. For they show Tyree Duke to be between 26 and 45 in both 1800 and 1810 with a wife of the same age and to have 2 males and 3 females under 10 in 1800, while in 1810 he had 1 male under 10 and 1 between 16 and 26 and none over 26 either in 1810 or in 1820, whereas we know Jesse Duke married in 1817 and appeared as head of a family in 1820 with his age between 26 and 45.

The Census Records for Tyree Duke for 1830 show as members of his family 2 females between 15 and 20 and 1 female between 10 and 15, in addition to other older females, one of whom was his wife whose age is given as between 50 and 60. So there is clearly indicated three daughters of Tyree Duke and Elizabeth Rhew who would have been of marriageable age in 1835. This is frankly admitted by Judge Graham and caused him to say that "the Polly Duke who married Samuel Doherty or

Dorothy on July 30th 1835 must have been the daughter of Tyree Duke who married Elizabeth Rhew March 9, 1813" (letter of July 1, 1927).

But Judge Graham presents no data to support this suggestion. And it stands as a mere supposition, contrary to the natural inferences from what the record shows really occurred, which further investigation would probably explain by showing the Polly Duke who married Samuel Doherty or Dorothy to be the daughter of the John Duke who married Elizabeth Duke in June 1812, or of the Hiram Duke who married Curry Forknor in December 1815, or of the John Duke who married Lydia Lewis in April 1817, just as the letter shows Judge Graham had found the Polly Duke who married Moses Leathers in 1820 to be the daughter of William Duke.

For, knowing that Polly and Odee Duke had married and appeared in their respective families in the Census for 1840, we would expect the Census of Tyree Duke for 1840 probably to show only himself and wife and the unmarried Laney Duke, if Polly and Odee were his daughters; and we find his Census for 1840 shows 1 male between 60 and 70 (himself), 1 female between 70 and 80 (his wife), 1 male between 5 and 10 (a grandchild, doubtless) and 1 female between 30 and 40, who might well be the unmarried Laney Duke. Likewise, not finding any Census Record for him in 1850 would indicate that if he were still alive the family had been broken up by the death of his wife and he had gone to live with one of his own children rather than with any of Taylor Duke's; and we find him for 1850 in the family of Mary (Polly) Duke Vaughan.

Conclusion as to the Mary (Polly) Duke Vaughan Claim.

Under the circumstances the Executors, after a most thorough investigation, review and consideration, have become convinced that Mary (Polly) Duke Vaughan was

not a daughter of Taylor Duke and so, acting as such Executors, they ascertain, determine and declare that she was not a sister of Washington Duke and that her descendants are not entitled to participate in the distribution to be made under the terms of Item VI of the Last Will and Testament of James B. Duke, deceased.

IN WITNESS WHEREOF the Executors of the Estate of James B. Duke, deceased, as such, have hereunto subscribed their names this 5th day of October, 1927.

NANALINE H. DUKE

GEORGE G. ALLEN

WILLIAM R. PERKINS

As Executors of the Estate of
James B. Duke, deceased.

SCHEDULE A.

SHOWING THE CHILDREN, GRANDCHILDREN AND DESCENDANTS OF GRANDCHILDREN OF THE BROTHERS AND SISTERS OF WASHINGTON DUKE, THE FATHER OF JAMES B. DUKE, DECEASED, AND OF ARTELIA RONEY DUKE, THE MOTHER OF JAMES B. DUKE, DECEASED, AS SUCH CHILDREN, GRANDCHILDREN AND DESCENDANTS OF GRANDCHILDREN EXISTED ON OCTOBER 10, 1925, THE DAY WHEN JAMES B. DUKE DIED.

I.

Such children, grandchildren and descendants of grandchildren of the brothers and sisters of Washington Duke, the father of James B. Duke, deceased.

The parents of Washington Duke were Taylor Duke and Dicey Jones, whose marriage bond is dated August 14, 1801, and their children were:

William J. Duke,	born July 18th, 1803.
Mary Duke,	born August 22nd, 1805.
Reany Duke,	born December 20th, 1807.
Amelia Duke,	born March 8th, 1809.
Kirkland R. Duke,	born June 6th, 1812.
Malinda Duke,	born March 13th, 1815.
John T. Duke,	born March 22nd, 1818.
Washington Duke,	born December 18th, 1820.
Doctor B. Duke,	born September 27th, 1823.
Robert Duke,	born April 29th, 1825.

FAMILY OF WILLIAM J. DUKE, BROTHER OF WASHINGTON DUKE.

CHILDREN.

Mrs. Wm. H. (Mary J.) Holloway
(Deceased)

GRANDCHILDREN.
Mrs. J. D. (Sallie H.) Patterson
2300 Walker Ave.,
Greensboro, N. C.
(1 portion)

DESCENDANTS OF
GRANDCHILDREN.

Mrs. E. O. (Mary H.) Patterson,
Box 42, Wytheville, Va.
(1 portion)

Mrs. R. H. (Nannie H.) Ward,
204 East Trinity Ave.,
Durham, N. C.
(1 portion)

Mrs. J. A. (Rosa H.) Hopkins,
112 Broadway,
Durham, N. C.
(1 portion)

William N. Holloway,
1006 Markham Ave.,
Durham, N. C.
(1 portion)

*Dr. John Duke,
(Deceased)

*Willis Duke
(Deceased)

*Sarah Duke Vickers
(Deceased)

Leon O. Holloway,
(Deceased)

Mrs. J. W. (Hazel) Copley,
Roxboro, N. C.
1/5 portion)

**Clarence Holloway,
Lake City, S. C.
(1/5 portion)

**Hallie Holloway,
Lake City, S. C.
(1/5 portion)

**Reba Holloway,
Lake City, S. C.
(1/5 portion)

**James Earl Holloway,
Lake City, S. C.
(1/5 portion)

*Jack Holloway
(Deceased)

SCHEDULE A—(*Continued*).

CHILDREN.

GRANDCHILDREN.

DESCENDANTS OF
GRANDCHILDREN.

*Leon O. Holloway, Jr.
(Deceased)

Mrs. E. O. (Lorena) Patterson
(Deceased)

Mrs. W. J. (Clare P.) Conrad,
521 Peffer St.,
Harrisburg, Pa.
($\frac{1}{8}$ portion)

Mrs. W. M. (Dare P.) Smith,
Drawer 848,
Pulaski, Va.
($\frac{1}{8}$ portion)

Edwin Hale Patterson,
Cascade, Idaho.
($\frac{1}{8}$ portion)

Mrs. G. L. (Sallie M.) Morris
Cascade, Idaho.
($\frac{1}{8}$ portion)

Leo Virgo Patterson,
Wytheville, Va.
($\frac{1}{8}$ portion)

**Victor Hugo Patterson,
521 Peffer St.,
Harrisburg, Pa.
($\frac{1}{8}$ portion)

**Maurine Patterson,
Box 42, Wytheville, Va.
($\frac{1}{8}$ portion)

**Elbert Earle Patterson,
Box 42, Wytheville, Va.
($\frac{1}{8}$ portion)

Mrs. J. E. (Fannie D.) Lyon
(Deceased)

Mrs. L. W. (Anna L.) Rogers,
Durham, N. C.
(1 portion)

William Fleming Lyon,
R. I., Hillsboro, N. C.

(1 portion)

*Norfleet C. Lyon
(Deceased)

*Mrs. Bessie Lyon Thompson,
(Deceased)

Mrs. E. G. (Rosa L.) Belvin,
309 Markham St.,
Durham, N. C.

(1 portion)

Mrs. S. B. (Iris L.) Till,
Biltmore Farm,
Biltmore, N. C.

(1 portion)

Mrs. W. R. (Lorena L.) Edwards,
818 Third St.,
West Durham, N. C.

(1 portion)

Mrs. R. (Mary L.) Peele,
Farmville, N. C.

(1 portion)

Mrs. Bertha Lyon Thompson,
Box 33, Duke University,
Durham, N. C.

(1 portion)

Robert William Duke,
Wellington, Texas
(1 portion)

James Allen Duke,
Wellington, Texas
(1 portion)

Mrs. C. E. (Ritchie) McCleish,
R. F. D. 7,
Brownsville, Tenn.
(1 portion)

James McCadden Duke
(Deceased)

SCHEDULE A—(*Continued*).

CHILDREN.

GRANDCHILDREN.

Harvey Judson Duke,
Brownsville, Tenn.

(1 portion)

*Leroy Washington Duke,
(Deceased)

*Joseph L. Duke,
(Deceased)

*Charles S. Duke
(Deceased)

*DeWitt Duke,
(Deceased)

*Alice Mack Duke
(Deceased)

*Hattie Mae Duke
(Deceased)

*William Duke
(Deceased)

Mrs. Salie Barton
(Deceased)

DESCENDANTS OF
GRANDCHILDREN.

Wm. Meredith Barton,
Wellington, Texas.
(1/6 portion)

John Allen Barton,
Wellington, Texas.
(1/6 portion)

*James Louis Barton
(Deceased)

*Mrs. Alice M. B. Bowden,
Rush, Texas.
(1/6 portion)

Jesse Howell Duke Barton,
Wellington, Texas.
(1/6 portion)

Ralph Allison Barton,
Wellington, Texas.
(1/6 portion)

Robert Lee Barton,
(Deceased)

**Essie Lee Barton,
Wellington, Texas.
(1/2 of 1/6 portion)

**Jessie Mae Barton,
Wellington, Texas.
(1/2 of 1/6 portion)

William Kirkland Duke
(Deceased)

Mrs. M. D. (Josie) Woodlief,
Route 1, Kittrell, N. C.
(1 portion)

Miss Luena K. Duke,
Route 1, Kittrell, N. C.
(1 portion)

*William J. Duke
(Deceased)

*Mrs. Lily B. Moss
(Deceased)

*Meta M. Duke
(Deceased)

*Sallie W. Duke
(Deceased)

Mrs. Sallie H. Garrard,
R. F. D. 2,
Durham, N. C.
(1 portion)

Mrs. Wm. B. (Martha) Holloway
(Deceased)

James B. Price,
Route 4,
Chattanooga, Okla.
(1 portion)

George W. Price,
242 South Broadway,
Denver, Colo.
(1 portion)

Mrs. Rachel P. Atkinson
(Deceased)

Mrs. J. C. (Tressa A.) Conrad,
627 Frederick St.,
San Francisco, Cal.
(1 portion)

SCHEDULE A—(*Continued*).

CHILDREN.

GRANDCHILDREN.

DESCENDANTS OF
GRANDCHILDREN.

*William M. Price

Clinton County Farm,
Plattsburg, Mo.

(1 portion)

Mrs. M. Ella P. Washburn,
R. F. D. 4,

Chattanooga, Okla.

(1 portion)

John W. Price,
110 E. 13th St.,
Oklahoma City, Okla.

(1 portion)

Mrs. G. V. (Mary P.) Clute
(Deceased)

Mrs. Myrtle C. Demaree,
Hyannis, Neb.

(1/3 portion)

John H. Clute,
618 W. 9th St.,
Casper, Wyoming.

(1/3 portion)

Grover V. Clute,
P. O. Box 136 A,
El Cerrito, Cal.

(1/3 portion)

*Robert M. Price
(Deceased)

*Sarah J. Price Green
(Deceased)

*Henry H. Price
(Deceased)

*Keran M. Price
(Deceased)

*Thomas L. Price
(Deceased)

FAMILY OF MARY DUKE STAGG, SISTER OF WASHINGTON DUKE.

Francis A. Stagg
(Deceased)

William L. Stagg,
1122 W. 4th St.,
Winston-Salem, N. C.
(1 portion)

James E. Stagg
(Deceased)

Mrs. J. M. (Elizabeth) Hackney
Durham, N. C.
($\frac{1}{2}$ portion)

Mrs. S. J. (Mary W.) Nicholson,
Durham, N. C.
($\frac{1}{2}$ portion)

*William Stagg
(Deceased)
*Susan Stagg Smith
(Deceased)
*Lorenzo Stagg
(Deceased)
*Sarah Stagg
(Deceased)
*Mary Stagg
(Deceased)

SCHEDULE A—(*Continued*).

FAMILY OF AMELIA DUKE RIGGS, SISTER OF WASHINGTON DUKE.

DESCENDANTS OF
GRANDCHILDREN.

GRANDCHILDREN.

CHILDREN.	GRANDCHILDREN.
***Frances Amelia Riggs, Durham, N. C. (1 portion)	Eudoxie M. Riggs, Route 2, Durham, N. C. (1 portion)
	Mrs. R. C. (Viola) Moize Durham, N. C. (1 portion)
	Mrs. J. E. (Savannah) Horner (Deceased)
	Robert Arthur Horner Durham, N. C. ($\frac{1}{4}$ portion)
	Fannie Horner, Durham, N. C. ($\frac{1}{4}$ portion)
	Lessie Horner, Durham, N. C. ($\frac{1}{4}$ portion)
	Mrs. Jennie H. Rigsbee, Durham, N. C. ($\frac{1}{4}$ portion)
	*Addie P. Horner (Deceased)
	*James R. Horner (Deceased)
	Jesse O. Riggs, Durham, N. C. ($\frac{1}{2}$ portion)
	John K. Riggs, Durham, N. C. ($\frac{1}{2}$ portion)
	Mrs. Stella R. Tyndall, Durham, N. C. (1 portion)
	Alonzo Lee Riggs (Deceased)

FAMILY OF JOHN TAYLOR DUKE, BROTHER OF WASHINGTON DUKE.

***Mrs. J. M. J. (Pattie) Moore,
Junction City, Tenn.
(1 portion)

Mrs. Myrtie M. Conyers,
Huntingdon, Tenn.
(1 portion)

Mrs. Nettie M. Thomas,
McKenzie, Tenn.
(1 portion)

William Bismark Moore,
R. F. D. 6,
Huntingdon, Tenn.
(1 portion)

John Eugene Moore,
Huntingdon, Tenn.
(1 portion)

David Browder Moore,
102 Burk Street,
Jonesboro, Ark.
(1 portion)

Mrs. Ethel Moore Wright,
McKenzie, Tenn.
(1 portion)

Mrs. V. B. (Bertha M.) Rogers,
1742 Peach Avenue,
Memphis, Tenn.
(1 portion)

Mrs. Inez Moore Compton,
1387 Faxon Avenue,
Memphis, Tenn.
(1 portion)

Mrs. Lucy Moore Leek,
1015 Joseph Place,
Memphis, Tenn.
(1 portion)

Thomas Clarence Duke,
Atwood, Tenn.
(1 portion)

James A. Duke
(Deceased)

Brodie A. Duke,
Folsom City, Cal.
(1 portion)

SCHEDULE A—(*Continued*).DESCENDANTS OF
GRANDCHILDREN.

GRANDCHILDREN.

CHILDREN.

*George Duke
(Deceased)

*Joe Duke
(Deceased)

Mrs. J. C. (Lida D.) Angier,
106 Buchanan Road,
Durham, N. C.
(1 portion)

Mrs. E. M. (Inez D.) Stokes,
3803 Chamberlayne Ave.,
Richmond, Va.
(1 portion)

Mrs. H. C. (Carlotta) Satterfield,
West Durham, N. C.
(1 portion)

Mrs. W. A. (Maude P.) Blue,
Aberdeen, N. C.
(1 portion)

Samuel Jones Angier,
Durham, N. C.
(1 portion)

Malbourne A. Angier,
2628 Second Ave. N.
St. Petersburg, Fla.
(1 portion)

John C. Angier,
600 Lexington Ave.,
Merchantville, N. J.
(1 portion)

John T. Duke,
226 Central Ave.,
Cincinnati, O.
(1 portion)

Miss Lillie L. Duke,
Durham, N. C.
(1 portion)

*Mrs. Mary Laura (Lockie) Johnson
(Deceased)

Mrs. D. H. (Nannie D.) Wyont,
Milan, Tenn.
(1 portion)

Mrs. O. E. (Willie M.) Carter,
Milan, Tenn.
(1 portion)

David Henry Wyont,
Box 207,
Emory University, Ga.
(1 portion)

Mrs. Wm. A. (Maud) Stuart,
Okmulgee, Okla.
(1 portion)

Samuel B. Karnes,
107 E. Chapel Hill St.,
Durham, N. C.
(1 portion)

Jere Duke Karnes,
209 Hill St.,
Wilson, N. C.
(1 portion)

Mrs. F. E. (Nannie K.) Bryant,
816 Castle Ave.,
Coral Gables, Fla.
(1 portion)

Mrs. W. L. (Mildred K.) Baldwin,
C/o Empire Trust Co.,
580 Fifth Ave., N. Y. City
(1 portion)

James W. Karnes,
P. O. Box 68,
Okmulgee, Okla.
(1 portion)

SCHEDULE A—(*Continued*).

FAMILY OF ROBERT DUKE, BROTHER OF WASHINGTON DUKE.

DESCENDANTS OF
GRANDCHILDREN.

CHILDREN.

Andrew J. A. Duke,
618 S. Mulberry St.,
Winston-Salem, N. C.
(1 portion)

GRANDCHILDREN.

Robert A. Duke,
Box 1, Conway, S. C.
(1 portion)

Mrs. J. B. (Eliza Annie) Evans,
Durham, N. C.
(1 portion)

**Charles W. Duke,
618 So. Mulberry St.,
Winston-Salem, N. C.
(1 portion)

*James B. Duke
(Deceased)

*Rosa Lee Duke
(Deceased)

DESCENDANTS OF
GRANDCHILDREN.

II.

Such children, grandchildren and descendants of grandchildren of the brothers and sisters of Artelia Roney Duke, the mother of James B. Duke, deceased.

The parents of Artelia Roney Duke were John Roney and Mary Trollinger, and their children were:

Benjamin F. Roney	(Never married)
Joseph Roney	
John T. Roney	(No descendants)
Mecia Roney	
Artelia Roney	(No descendants)
Mary (Polly) Roney	
Catherine Roney	
Henry C. Roney	
Calvin Newton Roney	
Elizabeth Roney	(Never married)
Anne Roney	(Never married)
Amos Kendall Roney	

SCHEDULE A—(*Continued*).

FAMILY OF BENJAMIN F. RONEY, BROTHER OF ARTELIA R. DUKE.

CHILDREN.	GRANDCHILDREN.	DESCENDANTS OF GRANDCHILDREN.
Mrs. J. M. (Virginia) Holt, R. F. D. 1, Dumbarton, Va. (1 portion)	Mrs. Mabel H. Wood, R. F. D. 1, Dumbarton, Va. (1 portion)	
	Mrs. Ena H. Merchant, P. O. Box 221, Manassas, Va. (1 portion)	
	*Freddie M. Holt (Deceased)	
	*William W. Holt, (Deceased)	
	Ralph E. Holt, 1716 Ringgold Road, Chattanooga, Tenn. (1 portion)	
	Mrs. R. B. (Hazel A.) Hardison, Morven, N. C. (1 portion)	
	Mrs. A. W. (Ruth A.) Zeledon, 15 Storms Ave., Jersey City, N. J. (1 portion)	
	*Mary S. Albright (Deceased)	
	A. Lacey Holt, Graham, N. C. (1 portion)	
	Ben B. Holt, Graham, N. C. (1 portion)	
Mrs. Sidney (Mary) Holt, Graham, N. C. (1 portion)		

Mrs. B. E. (Frances) Teague,
620 Broad St.,
Burlington, N. C.
(1 portion)

Dean Roney Holt,
State Hospital,
Goldsboro, N. C.
(1 portion)

*Nettie E. Holt
(Deceased)

*Tinkey Holt
(Deceased)

*Daniel M. Roney
(Deceased)

*Caroline Roney
(Deceased)

*John Roney
(Deceased)

*Benjamin Roney
(Deceased)

*Alice Roney
(Deceased)

Mrs. J. W. (Frances) Willis
(Deceased)

Chesley H. Roney
(Deceased)

Daniel R. Willis,
1132 Candler Building,
Atlanta, Ga.
(1 portion)

Mrs. W. T. (Bessie) Ingle,
P. O. Box 32,
Whitsett, N. C.
(1 portion)

Clyde R. Roney,
R. F. D., Box 20,
Burlington, N. C.
(1 portion)

Mrs. W. H. (Lollie) Ray,
R. F. D. 3,
Chapel Hill, N. C.
(1 portion)

SCHEDULE A—(*Continued*).

CHILDREN.

GRANDCHILDREN.

*Benjamin Roney
(Deceased)

Herbert C. Roney
(Deceased)

Julius G. Roney
(Deceased)

DESCENDANTS OF
GRANDCHILDREN.

**Mildred Roney,
C/o Mrs. Millie C. Small,
Burlington, N. C.
(1 portion)

Mrs. L. B. (Mildred) Brett,
206 W. Nash St.,
Wilson, N. C.
(1 portion)

Miss Ruby Roney,
206 W. Nash St.,
Wilson, N. C.
(1 portion)

FAMILY OF JOHN T. RONEY, BROTHER OF ARTELIA R. DUKE.

Thornton L. Roney
(Deceased)

Claud L. Roney,
Hale Center, Texas.
(1 portion)

John T. Roney,
Jacksboro, Texas.
(1 portion)

Miss Lola Roney,
Alvarado, Texas.
(1 portion)

Mrs. Knox (Nellie) Duncan,
Alvarado, Texas.
(1 portion)

James R. Roney,
Alvarado, Texas.
(1 portion)

Mrs. H. R. (Emily R.) Holt
(Deceased)

Thomas G. Holt,
697 Arcadia Ave.,
Winston-Salem, N. C.
(1 portion)

Mrs. J. M. (Odelia) Stanley,
Route #3,
High Point, N. C.
(1 portion)

Mrs. W. W. (Sallie) Jones,
315 West 31st St.,
Norfolk, Va.
(1 portion)

Mrs. W. F. (Etta) Davis
(Deceased)

Kathleen H. Davis,
210 McBrayer St.,
Shelby, N. C.
($\frac{1}{4}$ portion)

**Henry W. Davis,
210 McBrayer St.,
Shelby, N. C.
($\frac{1}{4}$ portion)

SCHEDULE A—(*Continued*).

CHILDREN.

GRANDCHILDREN.

GRANDCHILDREN.

DESCENDANTS OF

**Stanley W. Davis,
210 McBrayer St.,
Shelby, N. C.
($\frac{1}{4}$ portion)

**Montrose J. Davis,
210 McBrayer St.,
Shelby, N. C.
($\frac{1}{4}$ portion)

*Hattie Davis
(Deceased)

Nick G. Holt,
C/o United Cigar Stores Co.,
Charlotte, N. C.
(1 portion)

FAMILY OF CATHERINE R. FONVILLE, SISTER OF ARTELIA RONEY DUKE.

Mrs. D. M. (Vandora) Barber,
R. F. D. #8,
Burlington, N. C.
(1 portion)

*Lacy Barber
(Deceased)

***Mrs. Barbara Garrison,
401 N. Mebane St.,
Burlington, N. C.
(1 portion)

*Braxton B. Fonville
(Deceased)
*Isabelle F. Garrison
(Deceased)

Gabriel L. Fonville,
R. F. D. 3,
Burlington, N. C.
(1 portion)

J. Fred Barber,
R. F. D. #8,
Burlington, N. C.
(1 portion)

Miss Alma E. Garrison,
401 N. Mebane St.,
Burlington, N. C.
(1 portion)

Roy L. Fonville,
Mebane St.,
Burlington, N. C.
(1 portion)

John Lee Fonville,
Cheraw, S. C.
(1 portion)

Newton G. Fonville,
Raleigh, N. C.
(1 portion)

Mrs. Corrine F. Wilson
(Deceased)

**Walter A. Wilson,
C/o Ralph A. Wilson,
Route 2, Burlington, N. C.
(1/2 portion)

**Doris A. Wilson,
C/o Ralph A. Wilson,
Route 2, Burlington, N. C.
(1/2 portion)

Braxton C. Rogers,
Logan Street,
Burlington, N. C.
(1 portion)

Mrs. N. C. (Catherine) Rogers
(Deceased)

John O. Rogers,
P. O. Box 294,
Graham, N. C.
(1 portion)

SCHEDULE A—(*Continued*).

CHILDREN.

GRANDCHILDREN.

DESCENDANTS OF
GRANDCHILDREN.

Mrs. Bessie R. Webster,

R. F. D. 1,
Graham, N. C.

(1 portion)

*Ernest Rogers
(Deceased)*Daisy C. Rogers
(Deceased)Mrs. A. B. (Byrde) Cox,
Sanford, N. C.

(1 portion)

Brice F. Fonville,
R. F. D. 1,
Harrow, Ontario¹
(1 portion)Maude B. Fonville,
Moriah N. C.

(1 portion)

**Ralph W. Fonville,
Moriah, N. C.
(1 portion)**Raymond E. Fonville,
Moriah, N. C.
(1 portion)Mrs. W. B. (Mamie) Lee,
Rua de Liberdade, 123,
Sao Paulo, Brazil.
(1 portion)Wesley Duke Lee,
Rua de Liberdade, 123,
Sao Paulo, Brazil.
(1 portion)Mrs. Mary B. L. de Rocha,
Rua de Liberdade, 123,
Sao Paulo, Brazil.
(1 portion)

Lucy A. Lee,
Rua de Liberdade, 123,
Sao Paulo, Brazil.
(1 portion)

William B. Lee, Jr.,
Rua de Liberdade, 123,
Sao Paulo, Brazil.
(1 portion)

John F. Fonville,
(Deceased)

Zollicoffer Fonville,
410 S. Boylan Ave.,
Raleigh, N. C.
(1 portion)

Coy Fonville,
Neuse, N. C.
(1 portion)

Kew F. Fonville,
P. O. Box 701,
Raleigh, N. C.
(1 portion)

SCHEDULE A—(*Continued*).

FAMILY OF HENRY C. RONEY, BROTHER OF ARTELIA R. DUKE.

Mrs. W. A. (Kate) Wood
(Deceased)

CHILDREN.

Mrs. W. H. (Roxie) Foushee,
418 W. Washington St.,
Greensboro, N. C.
(1 portion)

Mrs. J. C. (Eva) Moore,
Graham, N. C.
(1 portion)

Mrs. C. A. (Ovella) Thompson,
Graham, N. C.
(1 portion)

Mrs. A. Lacey (Ora) Holt,
Graham, N. C.
(1 portion)

Mrs. D. F. (Agnes) Noyes,
Isle Maligne, P. Q.
(1 portion)

*James H. Wood
(Deceased)

*Nina Catherine Wood
(Deceased)

Numa R. Wood,
Gibsonville, N. C.
(1 portion)

***Joseph M. Wood,
C/o John L. Bates,
73 Tremont St., Boston, Mass.
(1 portion)

John N. Roney
(Deceased)

GRANDCHILDREN.

DESCENDANTS OF
GRANDCHILDREN.

Mrs. W. H. (Roxie) Foushee,
418 W. Washington St.,
Greensboro, N. C.
(1 portion)

Mrs. J. C. (Eva) Moore,
Graham, N. C.
(1 portion)

Mrs. C. A. (Ovella) Thompson,
Graham, N. C.
(1 portion)

Mrs. A. Lacey (Ora) Holt,
Graham, N. C.
(1 portion)

Mrs. D. F. (Agnes) Noyes,
Isle Maligne, P. Q.
(1 portion)

*James H. Wood
(Deceased)

*Nina Catherine Wood
(Deceased)

Numa R. Wood,
Gibsonville, N. C.
(1 portion)

***Joseph M. Wood,
C/o John L. Bates,
73 Tremont St., Boston, Mass.
(1 portion)

Mrs. Henry (Sallie) Troxler,
Star Route,
Gibsonville, N. C.
(1 portion)

Mrs. May Roney Russ,
R. F. D. 2, Box 4,
Gibsonville, N. C.
(1 portion)

***John Andrew Roney**
(Deceased)

***John Henry Roney**
(Deceased)

***William E. Roney**
(Deceased)

***Mollie C. Roney**
(Deceased)

***Minnie E. Roney**
(Deceased)

***Cora Lee Roney**
(Deceased)

Dr. Robert H. Roney,
P. O. Box 261,
Rocky Mount, N. C.
(1 portion)

***Pearl Roney**
(Deceased)

***Mary Broner Roney**
(Deceased)

Thomas R. Dickey,
Route 2,
Burlington, N. C.
(1 portion)

Mrs. R. L. (Mamie) Fonville,
P. O. Box 26,
Burlington, N. C.
(1 portion)

Mrs. R. E. (Omega) Cole,
Holt Street,
Burlington, N. C.
(1 portion)

William K. Roney,
Imboden, Ark.
(1 portion)

Benjamin Roney
(Deceased)

Mrs. R. C. (Mary) Dickey,
P. O. Box 26,
Burlington, N. C.
(1 portion)

SCHEDULE B—(*Continued*).

DESCENDANTS OF
GRANDCHILDREN.

GRANDCHILDREN.

Mrs. Ruby Dickey Holt,
P. O. Box 26,
Burlington, N. C.
(1 portion)

*James Ira Dickey
(Deceased)

*Johnie C. Dickey
(Deceased)

*Daisy Dickey Jordan
(Deceased)

Mrs. B. H. (Lizzie) Waddell,
Bonlee, N. C.
(1 portion)

Chessie H. Dickey,
No. Main St.,
Burlington, N. C.
(1 portion)

Mrs. J. E. (Minnie) Sellars,
R. F. D. 3,
Mebane, N. C.
(1 portion)

Henry B. Roney,
R. F. D. 1,
Mebane, N. C.
(1 portion)

John M. Roney,
305 Blandwood Ave.,
Greensboro, N. C.
(1 portion)

Lemuel W. Roney,
R. F. D. 1,
Watson, N. C.
(1 portion)

Miss Kate E. Roney,
R. F. D. 1,
Watson, N. C.
(1 portion)

CHILDREN.

Mrs. Ruby Dickey Holt,
P. O. Box 26,
Burlington, N. C.
(1 portion)

*James Ira Dickey
(Deceased)

*Johnie C. Dickey
(Deceased)

*Daisy Dickey Jordan
(Deceased)

Mrs. B. H. (Lizzie) Waddell,
Bonlee, N. C.
(1 portion)

Chessie H. Dickey,
No. Main St.,
Burlington, N. C.
(1 portion)

Mrs. J. E. (Minnie) Sellars,
R. F. D. 3,
Mebane, N. C.
(1 portion)

Henry B. Roney,
R. F. D. 1,
Mebane, N. C.
(1 portion)

John M. Roney,
305 Blandwood Ave.,
Greensboro, N. C.
(1 portion)

Lemuel W. Roney,
R. F. D. 1,
Watson, N. C.
(1 portion)

Miss Kate E. Roney,
R. F. D. 1,
Watson, N. C.
(1 portion)

James Mason Roney,
R. F. D. 1,
Watson, N. C.
(1 portion)

FAMILY OF CALVIN N. RONEY, BROTHER OF ARTELIA R. DUKE.

Mrs. J. C. (Betty) Dailey,
P. O. Box 316,
West Durham, N. C.
(1 portion)

**Ruth Roney Dailey,
P. O. Box 316,
West Durham, N. C.
(1 portion)

**John Calvin Dailey,
P. O. Box 316,
West Durham, N. C.
(1 portion)

**Lucille Park Dailey,
P. O. Box 316,
West Durham, N. C.
(1 portion)

Mrs. J. L. (Fielda) Hurdle,
Union Ridge, N. C.
(1 portion)

B. Roney Hurdle,
C/o Mehane, Rocell & Cress Co.,
Greensboro, N. C.
(1 portion)

Frances L. Hurdle,
404 N. 3rd St.,
Wilmington, N. C.
(1 portion)

Margaret Hurdle,
Union Ridge, N. C.
(1 portion)

Marlowe Roney Park,
Elizabeth, Miss.
(1 portion)

Mrs. Laskin (Bolhitt) Dottery,
511 N. Poplar St.,
Greenville, Miss.
(1 portion)

Ben Calvin Park,
511 N. Poplar St.,
Greenville, Miss.
(1 portion)

*Artelia K. B. Roney
(Deceased)

SCHEDULE A—(*Continued*).

FAMILY OF AMOS KENDALL RONEY, BROTHER OF ARTELIA RONEY DUKE.

DESCENDANTS OF
GRANDCHILDREN.

CHILDREN. GRANDCHILDREN.

*Otis Roney
(Deceased)Mrs. W. B. (Florence) Rowland,
Durham, N. C.
(1 portion)William B. Rowland,
Durham, N. C.
(1 portion)Henry Roney Rowland,
Durham, N. C.
(1 portion)**Mary Florence Rowland,
Durham, N. C.
(1 portion)**Annie Elizabeth Rowland,
Durham, N. C.
(1 portion)

* No living descendants.

** Minors.

*** Died since October 10, 1925, date of death of James B. Duke.

‡ At State Asylum.

Total, 167 portions.

\$2,000,000. divided into 167 portions, equals \$11,976.048 per portion.

To children 23 portions

To grandchildren 132 portions

To descendants of grandchildren 12 portions—³ whole portions
3 portions divided into halves
1 portion divided into thirds
2 portions divided into fourths
1 portion divided into fifths
1 portion divided into sixths
1 portion divided into eighths.

SCHEDULE "B".

THOSE WHOSE CLAIMS HAVE BEEN REJECTED.

A.

Mr. Alfred Douglas Acker,	C/o Miss E. Duke, Marshall, Texas.
Mr. Claud Hillman Acker,	C/o Miss E. Duke, Marshall, Texas.
Miss Donnie Acker,	C/o Miss E. Duke, Marshall, Texas.
Mr. Henry A. Acker,	C/o Miss E. Duke, Marshall, Texas.
Mr. James L. Allen,	St. Albans, W. Va.
Mr. M. J. Allen,	St. Albans, W. Va.
Mr. W. L. C. Allen,	St. Albans, W. Va.
Mrs. Mary Duke Anderson,	Diana, W. Va.
Mr. James G. Armstrong,	5010 Edmund St., Philadelphia, Pa.
Mrs. Cora K. Arnold,	R. F. D. #5, Wake Forest, N. C.
Mrs. Pearl Lambert Ashley,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Sleety Lambert Ashley,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Lillian Duke Ayres,	5307 Gaston Ave., Dallas, Texas.

B.

Mrs. Malinda Duke Baldwin,	DeWitt, Iowa.
Mr. R. F. Barr,	Lansing, N. C.
Mrs. Mary Jones Beck,	C/o Miss E. Duke, Marshall, Texas.
Mr. Marvin Bedingfield,	C/o Miss E. Duke, Marshall, Texas.
Mr. Oscar Reese Bedingfield,	C/o Miss E. Duke, Marshall, Texas.
Mr. T. Jackson Bedingfield,	C/o Miss E. Duke, Marshall, Texas.
Mr. William H. Bedingfield,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Celia F. Benefield,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Myrtle D. Bennett,	Buckhannon, W. Va.
Mrs. Florence Duke Bickel,	Replete, W. Va.
Mr. Eddie L. R. Bishop,	C/o Miss E. Duke, Marshall, Texas.
Mrs. I. W. Blevins,	C/o M. H. Blinken, 245 Broadway, N. Y. City.
Mrs. Ida Compton Bookman,	Lancaster, Ohio.
Miss Margaret Bowden,	Goldsboro, N. C.
Mrs. Jay Bowers,	Hamburg, Ohio.
Mrs. Sarah Bowers,	R. F. D. 9, Lancaster, Ohio.
Mrs. Laura Farrar Boyd,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Matilda K. Boyd,	821 Ridge Ave., Pittsburg, Pa.
Mrs. Alice Duke Bradley,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Nancy L. Brewer,	Okemah, Okla
Mrs. Jennie Duke Brogoitte,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Eliza Harsh Brooks,	Artesia, New Mexico.
Mrs. Eliza Duke Brown,	Princeton, N. C.
Mrs. Sarah V. Bryden,	5249 Enright Ave., St. Louis, Mo.
Mrs. Fannie Pace Burgess,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Minnie Compton Burke,	Culpepper, Va.

SCHEDULE B—(*Continued*).

Mrs. Effie Duke Bush,	Teays, W. Va.
Mrs. Jessie Ward Buskirk,	Wellsburg, W. Va.
Mr. Homer C. Byrom,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Edna K. Byron,	Louisburg, N. C.

C.

Mrs. Ida Campbell,	Beaver Creek, N. C.
Mrs. Rosebud Campbell,	Beaver Creek, N. C.
Mrs. Ida Taylor Carless,	6720 Ditman St., Philadelphia, Pa.
Mrs. Mollie Evans Carroll,	Roseboro, N. C.
Miss Gertie Carron,	Leipsic, Ohio.
Mr. Minor Carron,	Front Royal, Va.
Mr. Newton Carron	West Leipsic, Ohio.
Mrs. Bettie Jones Chandler,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Nancy Duke Chandler,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Iva Yoe Charles,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Pearl D. Cheek,	R. F. D. 4, Chapel Hill, N. C.
Mr. Jackson Christenson,	Waverly, Ohio.
Mrs. Minnie H. Claiborne,	C/o Williams & Banzet, Warrenton, N. C.
Mr. William E. Clements,	C/o J. Clyde Ray, Hillsboro, N. C.
Mrs. Pearl C. Cockerill,	Buckhannon, W. Va.
Mrs. Sallie Harton Collins,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Charles Compton,	Box 234, Warren, Ind.
Mr. Charles E. Compton,	Columbus, Ohio.
Mr. Cleveland W. Compton,	Boston, Va.
Mr. Edgar W. Compton,	Boston, Va.
Mr. Fred Compton,	Lancaster, Ohio.
Mr. George Compton,	Hookers, Ohio.
Mr. George Compton,	Lancaster, Ohio.
Mr. Harry E. Compton,	Box 22, Sta. B., Columbus, Ohio.
Mr. Harry L. Compton,	Columbus, Ohio.
Mr. Herbert W. Compton,	Boston, Va.
Mr. James B. Compton,	3258 North St., Washington, D. C.
Mr. James H. Compton,	Lancaster, Ohio.
Mr. John R. Compton,	Hazel River, Va.
Mrs. Katherine D. Cooper,	1621 York Ave., Memphis, Tenns.
Mrs. Annie Manuel Coppage,	Washington, Va.
Mrs. Lizzie Howell Cox,	Goldsboro, N. C.
Mrs. Delila Jones Craig,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Evaline C. Craiglow,	Lancaster, Ohio.
Mr. James Ellis Crain,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Nancy J. Crawford,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Estelle Duke Crites,	Cassaday, W. Va.
Mr. Albert E. Crumley,	2149 N. 8th St., Philadelphia, Pa.
Miss Eva May Crumley,	4012 Wells St., Philadelphia, Pa.
Mr. John Duke Crumley,	2235 N. 8th St., Philadelphia, Pa.

SCHEDULE B—(*Continued*).

D.

Mrs. Lucille McA. Daniel,
 Mr. Jack G. Daniels,
 Miss Winifred G. Daniels,
 Mr. William F. Daniels,
 Mrs. Willer May Daugherty,
 Mrs. Ella L. Dearing,
 Mrs. Minnie Dickert,
 Mrs. Vassie Richards Dixon,
 Mr. Aaron Duke,
 Mr. Abraham L. Duke,
 Mr. Albert A. Duke,
 Mr. Alexander Duke,
 Miss Anna Duke,
 Miss Anne Duke,
 Mr. Archie D. Duke,
 Mr. C. T. Duke,
 Miss Carrie Murray Duke,
 Mr. Cecil Alexander Duke,
 Mr. Charles J. Duke,
 Mr. Charles J. Duke,
 Mr. Claud Duke,
 Mr. Clifton Duke,
 Mr. Columbia Bell Duke,
 Mr. Dallas Duke,
 Mr. Earl V. Duke,
 Mr. Edwin Alton Duke,
 Miss Elizabeth Duke,
 Miss Elsie Duke,
 Mr. Ernest B. Duke,
 Miss Esther Duke,
 Miss Ethel Duke,
 Mr. Eugene Duke,
 Mr. Euthel Duke,
 Miss Flake Ann Duke,
 Mr. G. H. Duke,
 Mr. George Russell Duke,
 Mr. Gilbert Floyd Duke,
 Mr. Glenn Duke,
 Miss Grace Duke,
 Mr. Grover Duke,
 Mr. Guy Denman Duke,
 Mr. Guy F. Duke,
 Mr. Hargus Duke,
 Mr. Harry Duke,
 C/o Miss E. Duke, Marshall, Texas.
 Goldsboro, N. C.
 Goldsboro, N. C.
 Goldsboro, N. C.
 C/o Henry A. Teel, Rockford, Ala.
 2067 E. Monmouth St., Philadelphia, Pa.
 Doddridge, Ark.
 C/o Miss E. Duke, Marshall, Texas.
 C/o Miss E. Duke, Marshall, Texas.
 R. F. D. 2, Bainbridge, Ohio.
 C/o Abraham L. Duke, Bainbridge, Ohio.
 C/o Miss E. Duke, Marshall, Texas.
 C/o Russell Duke, Sugar Grove, Ohio.
 Lexington, N. C.
 Uniontown, Pa.
 Jefferson, Texas.
 C/o Abraham L. Duke, Bainbridge, Ohio.
 C/o Miss E. Duke, Marshall, Texas.
 Teays, W. Va.
 R. F. D. 1, Culloden, W. Va.
 C/o Miss E. Duke, Marshall, Texas.
 Wilson N. C.
 Richwood, W. Va.
 C/o Miss E. Duke, Marshall, Texas.
 Broadoaks, Clarksburg, W. Va.
 Mohegin, W. Va.
 318 Hawley St., Marshall, Texas.
 Hillsboro, Ohio.
 Durham, N. C.
 Teays, W. Va.
 C/o Russell Duke, Sugar Grove, Ohio.
 C/o Miss E. Duke, Marshall, Texas.
 C/o Miss E. Duke, Marshall, Texas.
 1621 York Ave., Memphis, Tenn.
 C/o Miss E. Duke, Marshall, Texas.
 C/o Miss E. Duke, Marshall, Texas.
 Duke, Ohio.
 Hillsboro, Ohio.
 C/o Russell Duke, Sugar Grove, Ohio.
 Teays, W. Va.
 1621 York Ave., Memphis, Tenn.
 Uniontown, Pa.
 Teays, W. Va.
 R. F. D. 2, Sabina, Ohio.

SCHEDULE B—(*Continued*).

Mr. Harsher Walter Duke,	Portsmouth, Ohio.
Miss Hattie Duke,	Little Rock, Ark.
Mr. Henry A. Duke,	C/o Henry A. Teel, Rockford, Ala.
Mr. Henry Edward Duke,	R. F. D. 4, Chapel Hill, N. C.
Mr. Henry Martin Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. Henry W. Duke,	522 Royal Court, Charlotte, N. C.
Mr. Henry Zebulon Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. Homer C. Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. Homer G. Duke,	2273 Rice St., Cincinnati, Ohio.
Mr. Howard Duke,	Akron, Ohio.
Miss Ida Duke,	R. F. D. 2, Bainbridge, Ohio.
Mr. J. H. Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. J. M. Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. James Addison Duke,	Route 4, Chapel Hill, N. C.
Mr. James P. Duke,	Vienna, La.
Mr. Jasper M. Duke,	Brent, Ala.
Mr. Jasper Newton Duke,	Alexander, W. Va.
Miss Jeannetta E. Duke,	C/o Abraham L. Duke, Bainbridge, Ohio.
Mr. John Duke,	Teays, W. Va.
Mr. John A. Duke,	Route #2, Franklinton, N. C.
Mr. John William Duke,	1621 York Ave., Memphis, Tenn.
Mr. Joseph Henry Duke,	Norfolk, Va.
Mr. Joseph J. Duke,	607 S. Duke St., Durham, N. C.
Mr. Kinchen A. Duke,	604 N. Graham St., Charlotte, N. C.
Miss Lavora Duke,	Teays, W. Va.
Mr. Limon J. Duke,	403 Davis St., Elmira, N. Y.
Mr. Lit. W. Duke,	Ruston, La.
Miss Louanna V. Duke,	R. F. D. 2, Bainbridge, Ohio.
Mr. Louis Duke,	Front Royal, Va.
Mr. Louis Edward Duke,	R. F. D. 2, Bainbridge, Ohio.
Miss Martha Emma Duke,	C/o Henry A. Teel, Rockford, Ala.
Mrs. Matilda Elizabeth Duke,	C/o Henry A. Teel, Rockford, Ala.
Mr. Mevelin S. Duke,	Henderson, N. C.
Mr. Montcel M. Duke,	Ettrick, Va.
Miss Nora Mildred Duke,	Columbus, Ohio.
Mr. O. C. Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. O. G. Duke,	404 E. Ash St., Goldsboro, N. C.
Mr. Oakley E. Duke,	West Lucasville, Ohio.
Miss Olive Duke,	Newton, N. C.
Mr. Robert Duke,	R. F. D. 4, Chapel Hill, N. C.
Mr. Robert E. Duke,	Newton, W. Va.
Mr. Russell Duke,	Sugar Grove, Ohio.
Mr. Russell Duke,	611 North Ave. 66, Los Angeles, Cal.
Miss Sarah Alice Duke,	C/o Henry A. Teel, Rockford, Ala.
Mr. Sheridan E. Duke,	Hacker Valley, W. Va.
Mr. Sidney L. Duke,	Route #2, Farmville, N. C.

SCHEDULE B—(*Continued*).

Mr. Theodore M. Duke,	Hacker Valley, W. Va.
Mr. Thomas I. Duke,	Reidsville, N. C.
Mr. Thomas W. Duke,	128 Newbern Ave., Raleigh, N. C.
Mr. Ulysses Grant Duke,	C/o Abraham L. Duke, Bainbridge, Ohio.
Mr. W. F. Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. W. T. Duke,	567 N. Rowland St., Henderson, N. C.
Mr. Walter E. Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. Walter Louis Duke,	Claremore, Okla.
Mr. William A. Duke,	Chicago, Ill.
Mr. William Edmund Duke,	C/o Henry A. Teel, Rockford, Ala.
Mr. William H. Duke,	611 North Ave. 66, Los Angeles, Cal.
Mr. William Martin Duke,	C/o Miss E. Duke, Marshall, Texas.
Mr. William Nathaniel Duke,	Reidsville, N. C.
Mr. William Thomas Duke,	Devereaux St., Goldsboro, N. C.
Mr. William W. Duke,	C/o Abraham L. Duke, Bainbridge, Ohio.
Mr. Zebulon P. Duke,	C/o Miss E. Duke, Marshall, Texas.

E.

Mr. Junius J. Edwards,	Fowler, Cal.
Mrs. Lola Jones Edwards,	C/o Miss E. Duke, Marshall, Texas.
Mr. Nestor N. Edwards,	7 McCurdy Ave., Towson, Md.
Mr. Omega Z. Edwards,	R. F. D. 6, Louisburg, N. C.
Mrs. Pattie Duke Edwards,	Route 2, Henderson, N. C.
Mr. Willis P. Edwards,	Franklin, N. C.
Mr. C. T. Evans,	Mooresville, N. C.
Mr. Clarence Evans,	Mooresville, N. C.
Mr. Frank Evans,	Mooresville, N. C.
Mr. Hubert Evans,	C/o Young & Long, Durham, N. C.
Mr. John H. Evans,	Deveraux, Ga.
Mr. Ralph Evans,	C/o Young & Long, Durham, N. C.
Mr. T. E. Evans,	Guilford College, N. C.
Mr. Walter F. Evans,	Halifax, N. C.

F.

Mr. Frank Farrar,	C/o Miss E. Duke, Marshall, Texas.
Mr. John R. Ferree,	Drawer 842, Danville, Va.
Miss Mary Ferree,	Raleigh, N. C.
Mrs. Frances Compton Fetter,	Columbus, Ohio
Mr. Gaither N. Fitzgerald,	Winston-Salem, N. C.
Mrs. James C. Fitzgerald,	2121 Vine St., Cincinnati, Ohio.
Mr. Roland V. Fitzgerald,	2121 Vine St., Cincinnati, Ohio.
Miss Thelma M. Fitzgerald,	2121 Vine St., Cincinnati, Ohio.
Mrs. Ethel Hodges Fletcher,	Teays, W. Va
Mr. W. A. Forster,	R. F. D. 1, Baton Rouge, La.

SCHEDULE B—(*Continued*).

Mrs. Annie J. French,
 Mrs. Mary H. French,
 Mr. T. Newton Freshwater,
 Mr. William M. Freshwater,
 Mrs. Dorah V. Futral,

C/o Miss E. Duke, Marshall, Texas.
 C/o Miss E. Duke, Marshall, Texas.
 Haw River, N. C.
 Haw River, N. C.
 C/o Miss E. Duke, Marshall, Texas.

G.

Mrs. M. A. Gaertner,
 Mrs. Hattie Duke Gaffield,
 Mrs. Rosa E. Duke Galpin,
 Mr. Floyd G. Garrard,
 Mr. Vernon L. Garrard,
 Mrs. Pearl Evans Gibbs,
 Mrs. Mary Duke Gibson,
 Mrs. Florella T. Gillan,
 Mrs. Maggie M. Gooch,
 Miss Allie M. Goolsby,
 Mr. Alonzo Floy Goolsby,
 Mr. George G. Goolsby,
 Mr. Isaiah Goolsby,
 Miss Lora A. E. Goolsby,
 Mr. Luther Goolsby,
 Miss Meta Faye Goolsby,
 Mr. William A. Goolsby,
 Mrs. Ella Goss,
 Mrs. Josephine Duke Gray,
 Mrs. Ella Compton Green,
 Mrs. Grace D. Griggs,
 Mrs. Mertie Lambert Grimes,
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 San Benito, Texas.
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 Gilmer, Texas.
 C/o Everett Bryson, Pittsburg, Texas.
 Thomas, Texas.
 C/o Everett Bryson, Pittsburg, Texas.
 Pittsburg, Texas.
 Lansing, N. C.
 DeWitt, Iowa.
 Culpepper, Va.
 Wilkesboro, N. C.
 C/o Miss E. Duke, Marshall, Texas.
 Lancaster, O.

H.

Mrs. H. H. Richards Haines,
 Mrs. Lillie Jones Hale,
 Mrs. Dora Duke Hales,
 Mrs. Ethel Duke Hall,
 Mrs. Lillie M. Hall,
 Mrs. Viola Hamrick,
 Mr. Asa L. Hardin,
 Mr. B. M. Hardin,
 Mr. Calvin P. Hardin,
 Mr. Charles P. Hardin,
 Mr. Dan M. Hardin,
 Mr. Harvey A. Hardin,

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 133 Wharton Ave., Birmingham, Ala.
 836 Lee St., Danville, Va.
 Forest City, N. C.
 Webster Parish, La.
 Cass County, Texas.
 De Soto Parish, La.
 Trees, La.
 Trees, La.
 Union County, Ark.

SCHEDULE B—(*Continued*).

Mr. Henry N. Hardin,	Caddo Parish, La.
Mr. J. B. Hardin,	Cass County, Texas.
Mr. John R. Hardin,	Vivian, La.
Mr. R. W. Hardin,	Beaver Creek, N. C.
Mr. W. A. Hardin,	R. 4, Box 132, Shreveport, La.
Mr. William B. Hardin,	444 Central Park West, New York City.
Mrs. Mildred Duke Harper,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Beulah B. Harris,	C/o Miss E. Duke, Marshall, Texas.
Mr. Claud Harsh,	Portsmouth, Ohio.
Miss Mary Harsh,	Portsmouth, Ohio.
Miss Betty Van Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Charles Glenn Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mr. George Robert Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Gordon Duke Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mrs. J. P. Harton,	Norlina, N. C.
Mr. James Cotter Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Julius H. Harton,	C/o Williams & Banzet, Warrenton, N. C.
Miss Margaret Rose Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Parry J. Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Waverly G. Harton,	C/o Williams & Banzet, Warrenton, N. C.
Mr. William H. Harton,	C/o Williams & Banzet, Warrenton, N. C.
Miss Betty Hawks,	C/o Williams & Banzet, Warrenton, N. C.
Miss Kate Hawks,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Lucas H. Hawks,	C/o Williams & Banzet, Warrenton, N. C.
Mr. W. E. Hawks,	C/o Williams & Banzet, Warrenton, N. C.
Mrs. Lina Duke Heath,	303 Waverly Ave., Clarksburg, W. Va.
Mrs. Julia Edwards Hight,	Williamston, N. C.
Mr. Junius W. Hight,	Williamston, N. C.
Mr. William N. Hight,	Williamston, N. C.
Mrs. Blanch Pearl Hizer,	Columbus, Ohio.
Mr. J. S. Hodges,	Teays, W. Va.
Mr. T. R. Hodges,	Teays, W. Va.
Mr. W. A. Hodges,	Teays, W. Va.
Mrs. Maud Harsh Hogan,	San Francisco, Cal.
Mrs. Elizabeth Duke Holloway,	Vienna, La.
Mrs. Nancy Duke Holsenback,	C/o J. Clyde Ray, Hillsboro, N. C.
Mr. James G. Holt,	Burlington, N. C.
Mrs. Daisy Dean Hoops,	403 Davis St., Elmira, N. Y.
Mrs. Alice E. Hopkins,	West Durham, N. C.
Mrs. Mary Farrar Hopper,	C/o Miss E. Duke, Marshall, Texas.
Mr. Edgar Hornbuckle,	C/o Miss E. Duke, Marshall, Texas.
Mr. Edward Hornbuckle,	C/o Miss E. Duke, Marshall, Texas.
Mr. James D. Hornbuckle,	C/o Miss E. Duke, Marshall, Texas.
Mr. John Henry Hornbuckle,	C/o Miss E. Duke, Marshall, Texas.
Mr. Thomas A. Hornbuckle,	C/o Miss E. Duke, Marshall, Texas.
Mr. Wiley H. Howell,	R. F. D. 4, Goldsboro, N. C.

SCHEDULE B—(*Continued*).

Mrs. Hattie Jones Hudson,
 Mrs. Louella Manuel Huff,
 Mrs. Addie Elizabeth Hunt,

C/o Miss E. Duke, Marshall, Texas.
 Washington, Va.
 C/o Henry A. Teel, Rockford, Ala.

I.

Mrs. Sarah J. D. Ingram,
 Mr. Willie Duke Irons,

C/o Miss E. Duke, Marshall, Texas.
 Mount Gilead, Ohio.

J.

Mr. Charles W. Jacobs,
 Mr. John Samuel Jones,
 Mr. Thomas Jones,
 Mr. Thomas B. Jones,
 Mr. Willie L. Jones,
 Mr. Horace B. Johnson,
 Mrs. Josephine D. Johnson,
 Mrs. Mary A. B. Johnson,
 Mrs. Thelma Nance Johnson,

Reidsville, N. C.
 C/o Miss E. Duke, Marshall, Texas.
 Columbia Hotel, Jacksonville, Fla.
 Goldsboro, N. C.
 C/o Miss E. Duke, Marshall, Texas.
 Reidsville, N. C.

K.

Mr. Benjamin P. Kearney,
 Miss Mary Mabel Kearney,
 Mr. Shemuel Kearney,
 Mr. William F. Kearney,
 Mr. James Kilmore Keatts,
 Mr. Leonard Ashby Keatts,
 Miss Mary Myrtle Keatts,
 Mrs. Ida L. Kent,
 Mrs. W. P. Killen,
 Mrs. Maggie Duke King,
 Mrs. Durene Duke Kirk,

Oteen, N. C.
 R. F. D. 5, Wake Forest, N. C.
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 R. F. D. 5, Wake Forest, N. C.
 1916 Patterson Park Ave., Baltimore, Md.
 821 Buckman Ave., Ocean View, Va.
 821 Buckman Ave., Ocean View, Va.
 3461 W. 129th St., Cleveland, Ohio.
 C/o Thomas C. Bowie, Jefferson, N. C.
 300 Daisy St., Goldsboro, N. C.
 C/o Miss E. Duke, Marshall, Texas.

L.

Mr. Charles Lambert,
 Mr. Grover C. Lambert,
 Mr. Herbert Lambert,
 Mr. Joseph Duke Lambert,
 Mr. Luther Z. Lambert,
 Mrs. Amanda C. Languish,
 Mrs. Eugenia H. Latta,
 Mr. Benjamin W. Laverty,
 Mrs. Elizabeth Laverty,

C/o Miss E. Duke, Marshall, Texas.
 C/o Bean & Klett, Lubbock, Texas.
 C/o Miss E. Duke, Marshall, Texas.
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 Route #2, Durham, N. C.
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SCHEDULE B—(*Continued*).

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Mr. Samuel H. Laverty, Jr.,	3457 Braddock St., Philadelphia, Pa.
Mrs. Ovie Duke Lawless,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Lula Duke Lawr,	C/o Miss E. Duke, Marshall, Texas.
Mr. William Duke Leamons,	R. F. D. 1, Box 60, Crockett, Texas.
Mrs. Florence K. Leonard,	1936 Patterson Park Ave., Baltimore, Md.
Mrs. Lulu Vaughan Lewis,	Sulphur, La.
Mrs. Lillie M. Lillard,	Washington, Va.
Mrs. Cora Jacobs Loftis,	Nathalie, Va.
Mrs. Laura M. Lowe,	Farmville, Va.

M.

Mrs. Sarah Carron Mack,	Leipsic, Ohio.
Mrs. Leila Richards Mackey,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Clara Compton Mahannah,	290 So. 17th St., Columbus, Ohio.
Mr. Durell Mangum,	Oxford, N. C.
Mrs. Annie Clark Manuel,	Washington, Va.
Mr. Frank H. Manuel,	Washington, Va.
Mr. John E. Manuel,	Washington, Va.
Miss Nellie Manuel,	Washington, Va.
Mr. Thomas H. Manuel,	Washington, Va.
Mrs. Kate E. Massey,	East Durham, N. C.
Mrs. Josephine D. Mathney,	Harrisville, W. Va.
Mrs. Susanah E. Matthews,	C/o Henry A. Teel, Rockford, Ala.
Mr. Charles L. McAdams,	C/o Long & Young, Durham, N. C.
Mr. George McAllister,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Laura McConnell,	Jefferson, N. C.
Mr. Alonzo McDowell,	C/o Everett Bryson, Pittsburg, Texas.
Mrs. Martha Duke McKissic,	Pickens, W. V.
Mr. Everett Meadows,	Teays, W. Va.
Mr. Gordon Meadows,	Teays, W. Va.
Mr. Homer Meadows,	Teays, W. Va.
Mr. Hugh Meadows,	Teays, W. Va.
Mr. Irvin A. Meadows,	Teays, W. Va.
Miss Laura T. Meadows,	Teays, W. Va.
Miss Lou Vernie Meadows,	Teays, W. Va.
Mr. Thomas W. Mensing,	4307 Vankirk St., Philadelphia, Pa.
Mrs. Lula D. Miller,	Waverly, Ohio.
Mrs. Margaret C. Milliser,	Lancaster, Ohio.
Mrs. Estelle Compton Mills,	Columbus, Ohio.
Mrs. Effie J. Mitchell,	Spartanburg, S. C.
Mrs. Annie Trollinger Moore,	Route 5, Huntington, W. Va.
Mrs. Ora Harton Moore,	C/o Williams & Banzet, Warrenton, N. C.
Mr. J. J. Moorehead,	Farmville, Va.
Mrs. Sallie Moorehead,	121 Campbell St., Danville, Va.

SCHEDULE B—(*Continued*).

Mrs. Essie Jones Moretti,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Minnie Duke Morgan,	Lucasville, Ohio.
Mrs. Henrietta V. Morris,	216 Parrish St., Durham, N. C.
Mrs. Lillie E. Mosley,	Spartanburg, S. C.
Mr. Alfred G. Moss,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Lula Evans Murdock,	Mooresville, N. C.
Mrs. Josephine W. Mustard,	Duke, Ohio.
Mr. Charles G. Mustian,	C/o Williams & Banzet, Warrenton, N. C.
Mrs. Glennie H. Mustian,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Howard M. Mustian,	Ridgeway, N. C.
Mr. Robert L. Mustian,	Henderson, N. C.
Mr. Wallace F. Mustian,	Norlina, N. C.
Mr. Willie L. Mustian,	C/o Williams & Banzet, Warrenton, N. C.
Mrs. Jennie Paul Mynes,	St. Albans, W. Va.
Mrs. Mary Paul Mynes,	2020 Seventh Ave., Huntington, W. Va.
Mr. Philip S. Mynes,	P. O. Box 1421, Huntington, W. Va.

N.

Mr. Cecil Shelly Nance,	Reidsville, N. C.
Mr. James Thomas Nance,	Reidsville, N. C.
Miss Jessie R. Nance,	Greensboro, N. C.
Mr. John Claud Nance,	Reidsville, N. C.
Mr. William G. R. Nance,	Norfolk, Va.
Mrs. Bettie M. Nash,	Ridgeway, N. C.
Mrs. Chessie Barr Neal,	Jefferson, N. C.
Mrs. Alice Compton Nethers,	Peola Mills, Va
Mrs. Lula Howell Newell,	R. F. D. 4, Goldsboro, N. C.
Mrs. Ama Hardin Nichols,	Caddo Parish, La.
Mrs. Cora Evans Nuttall,	Spartanburg, S. C.

O.

Mrs. Annie Duke Otwell,	Vienna, La.
Mrs. Fannie Duke Otwell,	Vienna, La.
Mrs. Sarah E. Duke Ozburn,	Silver Cliff, Colo.

P.

Mr. Thomas D. Pace,	C/o Miss E. Duke, Marshall, Texas.
Mr. William Pace,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Lula Duke Parham,	Rocky Mount, N. C.
Mrs. Lula Pace Parker,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Irene Paschall,	C/o Williams & Banzet, Warrenton, N. C.
Mrs. Willie Green Paschall,	C/o Williams & Banzet, Warrenton, N. C.
Mrs. Lula Duke Patterson,	C/o Everett Bryson, Pittsburg, Texas.

SCHEDULE B—(*Continued*).

Mrs. Ellen Shackleford Paty,	Ensley, Jefferson Co., Ala.
Mr. William A. Paul,	1756 Eighth Ave., Huntington, W. Va.
Mrs. Etta Compton Perry,	Lancaster, Ohio.
Mrs. Ida Compton Peters,	Boulder, Colo.
Mrs. A. D. Phillips,	Fleetwood, N. C.
Mrs. Climie Duke Pluckett,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Cammie G. Proctor,	224 Morris St., Durham, N. C.
Mrs. Eliza C. Puckett,	Pittsburg, Texas.
Mr. Horace Pullen,	Flint Hill, Va.

R.

Mrs. Ethel Manuel Racer,	Washington, Va.
Mrs. Mary Duke Ramey,	Front Royal, Va.
Mr. Charles C. Randleman,	Asheboro, N. C.
Mr. C. E. Rasberry,	Marshall, Texas.
Mrs. Blanche Ray,	Beaver Creek, N. C.
Mr. John S. Raynor,	2300 E. Lehigh Ave., Philadelphia, Pa.
Mrs. Emma Compton Rea,	Warren, Ind.
Mrs. Emma Duke Reagin,	Willardsville, N. C.
Mrs. Adeline E. Rhew,	West Durham, N. C.
Mrs. Ethel Duke Rice,	Teays, W. Va.
Mr. Cole Richards,	C/o Miss E. Duke, Marshall, Texas.
Mr. F. M. Richards,	C/o Miss E. Duke, Marshall, Texas.
Mr. R. H. Richards,	C/o Miss E. Duke, Marshall, Texas.
Mr. T. J. Richards,	C/o Miss E. Duke, Marshall, Texas.
Mr. W. N. Richards,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Georgia Duke Rickard,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Sarah K. Roberson,	Route 1, Miller, Okla.
Mrs. Lena Evans Rogers,	Mooresville, N. C.
Mr. John Edwin Rose,	C/o Williams & Banzet, Warrenton, N. C.
Mr. Louis Langford Rose,	C/o Williams & Banzet, Warrenton, N. C.
Mrs. Mary E. Russell,	C/o Miss E. Duke, Marshall, Texas.

S.

Mrs. Isabella S. Scott,	Titus, Elmore Co., Ala.
Mrs. Lucy Taylor Selby,	Route 1, White Cloud, Kansas.
Mr. John M. Shackelford,	Lenorah, Martin Co., Texas.
Mrs. Burma G. Shelander,	San Benito, Texas.
Mrs. Novell F. Shellnutt,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Emma Wells Shrader,	415 McAlister St., Greenville, Miss.
Mrs. Mattie Wells Shrader,	368 No. Watkins St., Memphis, Tenn.
Mrs. G. T. Richards Smith,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Lee Duke Smith,	Teays, W. Va.
Mrs. Louisa B. Smith,	C/o Miss E. Duke, Marshall, Texas.

SCHEDULE B—(*Continued*).

Mrs. Ola Farrar Smith,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Samantha B. Smith,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Nellie Spears,	Beaver Creek, N. C.
Mrs. Mollie Duke Stainback,	Route 1, Henderson, N. C.
Mrs. Lena M. Stamper,	129 Girard St., Danville, Va.
Mr. Martin S. Starnes,	C/o M. H. Bliven, 245 Broadway, N. Y. City.
Mr. Oscar Starnes,	C/o M. H. Bliven, 245 Broadway, N. Y. City.
Mr. Perry L. Starnes,	Mullens, W. Va.
Mr. W. H. Starnes,	C/o M. H. Bliven, 245 Broadway, N. Y. City.
Miss Ada Catherine Stephens,	505 Grover St., Warrenburg, Mo.
Miss Mary Florence Stephens,	Sweet Springs, Mo.
Miss Ruth Elizabeth Stephens,	505 Grover St., Warrenburg, Mo.
Mrs. Georgia B. Strickland,	Goldsboro, N. C.
Mrs. S. W. Swain,	Greensboro, N. C.

T.

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Mr. Benjamin W. Taylor,	6766 Marsden St., Philadelphia, Pa.,
Mrs. Elizabeth A. Taylor,	St. Albans, W. Va.
Mr. Harry W. Taylor,	6629 Hegerman St., Philadelphia, Pa.
Mr. Harvey E. Taylor,	4520 Tyson St., Philadelphia, Pa.
Mrs. Nancy Rose Terrell,	C/o Williams & Banzet, Warrenton, N. C.
Mr. F. O. Terry,	Box 926, El Dorado, Ark.
Mrs. Callie Duke Thomas,	Teays, W. Va.
Mrs. Harriett L. Thomas,	Red Fork, Okla.
Mrs. Ida B. H. Thomas,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Sarah Duke Thompson,	Teays, W. Va.
Mr. John Edward Thornton,	Washington, Va.
Miss Virgie Thorpe,	732 Sixth St., Huntington, W. Va.
Mrs. Alice Ingold Timmons,	Charlotte, N. C.
Mrs. Josephine Duke Toy,	Wakefield, Ohio.
Mrs. Bertha A. Nance Trent,	Reidsville, N. C.
Mrs. Elizabeth Wells Tucker,	Catchings, Miss.
Mrs. Nancy Paul Turley,	1836 Eighth Ave., Huntington, W. Va.
Mrs. Georgia H. Turnage,	Goldsboro, N. C.
Mrs. Emma Pace Turner,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Sarah E. D. Turner,	C/o Miss E. Duke, Marshall, Texas.
Mrs. Stella Vaughan Turner,	R. R. 2, Leeton, Mo.

U.

Mrs. Sarah Compton Uhl,	Lancaster, Ohio.
-------------------------	------------------

SCHEDULE B—(*Continued*).

V.

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 Mr. Edward Lee Vaughan,
 Mr. Eugene Lee Vaughan,
 Mr. George B. Vaughan,
 Mr. Joseph William Vaughan,

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 1107 W. Garfield Blvd., Chicago, Ill.
 R. F. D. 2, Kittrell, N. C.
 307 E. Alton St., Independence, Mo.

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Mr. George Wallace,
 Mr. Oval Wallace,
 Mrs. Alice A. Edwards Ward,
 Mrs. Emma Duke Ward,
 Mrs. Luda Jones Watson,
 Mr. Charles F. Weaver,
 Mr. Earl Weaver,
 Mr. Edwin Weaver,
 Miss Willie May Weaver,
 Mr. John A. Westbrook,
 Mr. William J. Westbrook,
 Mrs. Clare H. Westbrooks,
 Mrs. Jessie E. White,
 Mr. George W. Whitfield,
 Mr. James E. Whitfield,
 Mr. John W. Whitfield,
 Mrs. Mary Whitfield,
 Mr. Robert H. Whitfield,
 Mrs. Henrietta D. Whitney,
 Mrs. Mary Trolinger Wiley,
 Mrs. Fannie Duke Williams,
 Mrs. M. A. Williams,
 Mrs. Mattie R. Williams,
 Mrs. Ruby D. Williams,
 Mr. H. Fenton Williamson,
 Miss Jessie Mae Williamson,
 Mrs. Della M. Wilson,
 Mrs. Elizabeth Carron Wood,
 Mrs. Essie Farrar Woodall,
 Mrs. Jenetta Hardin Wynn,
 Mrs. Mary M. Wyont,

Rarden, Ohio.
 Rarden, Ohio.
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 Wellsburg, W. Va.
 C/o Miss E. Duke, Marshall, Texas.
 Mason City, Iowa.
 Los Angeles, Cal.
 Norfolk, Neb.
 Norfolk, Neb.
 Haynesville, La.
 Gilliam, La.
 R. F. D. 2, Bloomberg, Texas.
 C/o Williams & Banzet, Warrenton, N. C.
 Stem, N. C.
 935 Virginia St., Jacksonville, Fla.
 Creedmoor, N. C.
 Lakewood Park, Durham, N. C.
 Creedmoor, N. C.
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 Columbus, Ohio.
 Columbia, S. C.
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 Leipsic, Ohio.
 C/o Miss E. Duke, Marshall, Texas.
 Caddo Parish, La.
 Milton, W. Va.

Y.

Mr. William Lester Yoe,
 Mr. Daniel Youngblood,

C/o Miss E. Duke, Marshall, Texas.
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